

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF NEW MEXICO
3 UNITED STATES OF AMERICA,
4 Plaintiff,
5 vs. NO: CR-15-4268 JB
6 ANGEL DELEON, et al.,
7 Defendants.

8
9 Transcript of excerpt of testimony of
10 SAMMY GRIEGO
11 May 10, 2018, and May 11, 2018
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1	I N D E X	
2	EXAMINATION OF SAMMY GRIEGO	
3	By Ms. Armijo	3
4	By Mr. Castle	38
5	By Mr. Solis	91
6	EXAMINATION OF SAMMY GRIEGO	
7	By Mr. Solis	107
8	By Ms. Harbour-Valdez	117
9	By Mr. Blackburn	123
10	By Ms. Armijo	158
11	By Mr. Castle	164
12	REPORTER'S CERTIFICATE	167
13	EXHIBITS ADMITTED	
14	Defendants' BP-2 Admitted	117
15	Government 823 Admitted	4
16	Government 984 Admitted	12
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 May 10, 2018

2 THE COURT: All right. Does the
3 Government have its next witness or evidence?

4 MS. ARMIJO: Yes, Your Honor. Sammy
5 Griego.

6 THE COURT: Mr. Griego, if you'll come up
7 and stand next to the witness box on my right, your
8 left, before you're seated, my courtroom deputy,
9 Ms. Bevel, will swear you in.

10 SAMMY GRIEGO,
11 after having been first duly sworn under oath,
12 was questioned, and testified as follows:

13 THE CLERK: Please be seated. Please
14 state your name and spell your last name for the
15 record.

16 A. Sammy Griego. G-R-I-E-G-O.

17 THE COURT: Mr. Griego. Ms. Armijo.

18 MS. ARMIJO: Thank you, Your Honor.

19 DIRECT EXAMINATION

20 BY MS. ARMIJO:

21 Q. Mr. Griego, have you been a member of the
22 SNM?

23 A. Yes, ma'am.

24 Q. And tell us when it was that you joined.

25 A. In January of 2001.

1 Q. And where did you join, meaning was it in
2 a prison facility?

3 A. It was in the prison facility.

4 Q. And were you incarcerated in the New
5 Mexico Corrections Department?

6 MS. HARBOUR-VALDEZ: Your Honor, could we
7 ask that he move the mic a little closer please.

8 THE COURT: Why don't you pull the mic a
9 little closer to you.

10 MS. ARMIJO: And Your Honor, at this time
11 I'd like to move into evidence Exhibit 823, which is
12 his pen pack.

13 THE COURT: Any objection from any
14 defendants?

15 Not seeing or hearing any, Government's
16 Exhibit 823 will be admitted into evidence.

17 (Government Exhibit 823 admitted.)

18 BY MS. ARMIJO:

19 Q. All right. And sir, do you have felony
20 convictions?

21 A. Yes, ma'am, I do.

22 Q. And is that what landed you into prison?

23 A. Yes.

24 Q. Now if I could go to -- and do you recall
25 what your convictions are for?

1 A. Yes, ma'am. Trafficking.

2 Q. All right. And I'm going to go to --
3 trafficking drugs?

4 A. Trafficking heroin and cocaine.

5 Q. Going to Exhibit Number 823, if we could
6 please go to page 4, which is Bates 30519. Okay,
7 sir, have you seen this document before?

8 A. Yes, ma'am, I have.

9 Q. All right. And does it appear that you
10 were convicted of a trafficking and a controlled
11 substance heroin that occurred in 2001; is that
12 correct?

13 A. Yes, ma'am, that's correct.

14 Q. Is there another one that occurred in
15 2000?

16 A. Yes, ma'am, there was.

17 Q. All right. And were you sent to prison
18 for these offenses?

19 A. Yes, ma'am, I was.

20 Q. And if we could go now to Bates 30522.
21 Did you receive additional convictions in 2011,
22 again for trafficking cocaine?

23 A. Yes, ma'am, I did.

24 Q. Then I'll go to the next page of this
25 document. Were you also convicted as -- did you

1 also have convictions previously to a controlled
2 substance and another trafficking?

3 A. Yes, ma'am, I did.

4 Q. So is it fair to say that your convictions
5 all revolve around controlled substance?

6 A. Yes, ma'am, trafficking.

7 Q. Who brought you into the gang?

8 A. Alfred Garcia, Chelo.

9 Q. And were you told the rules when you
10 joined the gang?

11 A. Yes, ma'am.

12 Q. Did you have a role that you played for
13 the gang?

14 A. Yeah, we -- we all had a role in the gang,
15 but I did a lot of trafficking for the gang.

16 Q. I guess I should back up. I'll go from
17 there. Is the SNM -- is it involved in drug
18 trafficking?

19 A. Yes, ma'am.

20 Q. And can you tell us if that is within the
21 prison system or outside?

22 A. Both, ma'am.

23 Q. Have you been involved in which of those
24 activities?

25 A. Both, ma'am.

1 Q. You're out of custody now?

2 A. Yes, ma'am.

3 Q. How long have you been out on release?

4 A. Four years, ma'am.

5 Q. Do you recall -- I'm going to go now to
6 the summer or spring of the year 2015. Were you on
7 parole?

8 A. Yes, ma'am.

9 Q. And do you recall being called to your
10 probation officer and having a meeting with the FBI?

11 A. Yes, ma'am.

12 Q. Can you tell us about that meeting?

13 A. I was called in to report to probation and
14 parole as my usual check-in. And when I got there,
15 the FBI was there.

16 Q. And did they question you as to letters
17 that they had?

18 A. Yes, ma'am. They gave me -- they had
19 letters with them that were letters sent to me -- or
20 were going to be sent to me that was a letter for me
21 to hit, to assassinate Marcantel.

22 Q. Okay. Were those letters addressed to
23 you?

24 A. Yes, ma'am.

25 Q. Did you ever receive those letters?

1 A. No, ma'am, I didn't.

2 Q. Were they in the possession of the FBI,
3 then, and was that the first time that you had seen
4 those letters?

5 A. Yes, it was.

6 Q. Did you have anything to do with the plot
7 to kill Gregg Marcantel?

8 A. No, ma'am.

9 Q. And when was it that you learned about
10 that plot?

11 A. Right then and there.

12 Q. Did the FBI ask you if you wanted to
13 cooperate with them?

14 A. Yes, they did.

15 Q. And did you agree to do so?

16 A. I did so.

17 Q. And what are some of the things that --
18 were you aware that the FBI was investigating the
19 SNM?

20 A. Not until then.

21 Q. And at that point, what did you decide to
22 do?

23 A. To cooperate with them.

24 Q. And when you decided to cooperate, did you
25 know whether or not that would have an impact on

1 your membership with the SNM?

2 A. Yes, ma'am.

3 Q. And what impact would that have?

4 A. That I was -- that I was done.

5 Q. And what do you mean by "done"?

6 A. That my life was in danger, that I was --

7 I was -- was the end. I was on the outs with them

8 and I was targeted.

9 Q. Had you previously tried to leave the SNM?

10 A. Yes, I did.

11 Q. And when was that?

12 A. While I was incarcerated, I tried to join

13 the RPP Program.

14 Q. And the RPP Program -- is that in Clayton;

15 is that correct?

16 A. Yes, ma'am.

17 Q. Is that for gang members that want to

18 denounce their membership?

19 A. Yes, it is.

20 Q. Do you have any SNM tattoos?

21 A. No, ma'am, I don't.

22 Q. Were you a member of a street gang?

23 A. Yes, ma'am.

24 Q. Now, you indicated that you were involved

25 in drug activity on the street and in the prisons.

1 After you joined SNM, were you still involved in
2 that activity, drug trafficking?

3 A. Yes, ma'am, I was.

4 Q. And how is that related to your membership
5 within the SNM?

6 A. I just -- we used to hit -- we used to hit
7 dope in the pen. We just used to get -- we used to
8 hit strips and stuff.

9 Q. Okay. When you say "hit strips," what do
10 you mean?

11 A. When we were in the pen, I had a mule, I
12 had a CO that used to bring me in the dope. He was
13 a canteen officer. And I used to bring everybody's
14 dope in and we used to hit -- we used to -- we would
15 get our dope in through the corrections officer, and
16 then we'd get a ride. We called it a ride.

17 Q. What's a ride?

18 A. A ride is like everybody would put their
19 drugs together in with my family member or whomever,
20 and we would, like, say, for instance, Arturo would
21 get his dope in, or me, or, you know, "Crazo" or
22 whomever, and then we'd all have -- we'd get it all
23 put together. Then I had a CO that would bring it
24 in, and then I would get the drugs and then give
25 them their issue or whatever.

1 Q. When you say "issue," do you mean drugs?

2 A. Their drugs.

3 Q. When you mentioned "Arturo," who were you
4 talking about?

5 A. Arturo Garcia.

6 Q. And does Arturo Garcia have a nickname?

7 A. Shotgun.

8 Q. And do you see Arturo in the courtroom
9 today?

10 A. Not yet.

11 Q. Can you look around?

12 A. Oh, yeah. There he is.

13 Q. I'll have you stand up just to describe
14 what he's wearing.

15 A. He's wearing a gray suit.

16 Q. And shirt?

17 A. Yeah.

18 Q. What color shirt?

19 A. Gray shirt.

20 Q. Is he wearing a tie?

21 A. Yeah.

22 Q. What color?

23 A. A gray tie.

24 MS. ARMIJO: May the record reflect the
25 witness identified Arturo Garcia?

1 THE COURT: The record will so reflect.

2 BY MS. ARMIJO:

3 Q. When did you first meet Arturo Garcia?

4 A. In 2010.

5 Q. Was he a member of the SNM?

6 A. Yes, he was.

7 Q. What was his position?

8 A. Wait, I met Arturo before, and then after
9 he was the -- he was in charge of the ride.

10 Q. What do you mean by "in charge of the
11 ride"?

12 A. He was the leader.

13 Q. Okay.

14 MS. ARMIJO: And Your Honor, at this time
15 I'm going to move into admission Exhibit 984,
16 without objection by Mr. Blackburn.

17 THE COURT: Any objection from the
18 defendants?

19 Not seeing or hearing any, Government's
20 Exhibit 984 will be admitted into evidence.

21 (Government Exhibit 984 admitted.)

22 BY MS. ARMIJO:

23 Q. Mr. Griego, did they used to have in the
24 Corrections Department inter-prison mail?

25 A. Yes.

1 Q. And would you receive mail from other
2 inmates?

3 A. Yes, I would.

4 Q. And I am going to now display Exhibit
5 Number 984. Okay. Do you see what we have on the
6 screen?

7 A. Yes.

8 Q. Do you recognize the writing?

9 A. Yes.

10 Q. And whose writing is that?

11 A. That's Arturo's writing.

12 Q. And would he used to write you?

13 A. Yes, he would.

14 Q. And it looks -- at this time it says,
15 "Sammy Griego, South Facility." Where would you
16 have been housed at that time?

17 A. I think I was in 1-A.

18 Q. I guess I meant, would you have been
19 housed at the South Facility?

20 A. Yes.

21 Q. And let's go to page 2. And does there
22 appear to be a date on this letter?

23 A. Yes.

24 Q. And what is the date?

25 A. Looks like 7/4, or 7/9 of '09.

1 Q. And does this appear to be his writing?

2 A. Yes, ma'am.

3 Q. Now, would Arturo Garcia write often?

4 A. Yes, ma'am.

5 Q. And when you would write letters, were you
6 aware that they were being reviewed by the prison?

7 A. Yeah.

8 Q. You kind of laughed. Why do you laugh?

9 A. Because everybody knows they're reviewed
10 by the prison.

11 Q. Okay.

12 A. Or the STIU, actually.

13 Q. Okay. STIU?

14 A. Yeah.

15 Q. Okay. And did you receive more than one
16 letter from Arturo?

17 A. Yes.

18 Q. And what was your opinion as to whether or
19 not he tended to code things or whether it was
20 just -- he would write whatever.

21 MR. BLACKBURN: Objection, Your Honor,
22 foundation.

23 THE COURT: Well, if he knows that
24 Mr. Arturo Garcia is writing in code, I think he
25 would know that as a recipient. So overruled.

1 A. I personally felt like he would write his
2 letters a la brava.

3 BY MS. ARMIJO:

4 Q. And what do you mean by "a la brava"?

5 A. Just plainly, like, just with no code.

6 Q. And how did you feel about that as a
7 recipient of those letters?

8 A. That he was going to get me hemmed up, he
9 was going to get me in trouble.

10 Q. Now, we were looking at this Exhibit
11 Number 984, the second page of it, and it says
12 "Sammy," and is that you?

13 A. Yes, ma'am.

14 Q. Okay. And do you recall in general what
15 this letter was about? Did you have a chance to
16 review it yesterday?

17 A. Yes, ma'am, I did.

18 Q. And I'm going to go to a couple. Is there
19 in this letter --

20 A. He just basically was -- I read this
21 letter yesterday, and it was basically he was trying
22 to hit me up and ask me for esquina.

23 Q. Okay. I'm going to go to the next part of
24 that. What was esquina?

25 A. Just helping him out.

1 Q. And here there is a part that says, I
2 believe, "Listen, little bro, I need you to help me
3 out with -- there is a dollar sign -- I know you
4 can, because you told me at the yard that day. But
5 I told you to hold off." Do you know what that's in
6 reference to?

7 A. Yes.

8 Q. And is that where he's asking you for
9 money?

10 A. Yes.

11 Q. Now, you're incarcerated at that time; is
12 that correct?

13 A. Yes, ma'am.

14 Q. Why was he asking you for money?

15 A. Because we used to make money.

16 Q. And how would you make money?

17 A. We used to sell dope. I had checks that I
18 used to have girls that would send me money that,
19 yeah, just --

20 Q. There is another sentence there that says,
21 "I know you got ho's that will do as you say, so
22 spit it and drop it like it's hot." What does that
23 mean?

24 A. Just he -- I used to -- I guess I kind of,
25 say, I had a gift of gab, and used to have girls

1 that were on my -- I had girls that I used to write
2 to in prison and stuff, and they used to send me
3 money, or do whatever I asked them to do for me.

4 Q. All right. And then can we go to the top,
5 again, the second paragraph? It says, "I got to get
6 out of this bitch already. Got to catch a break
7 even when I'm doing good and keeping everyone in
8 check." What is that in reference to?

9 A. What do you mean?

10 Q. "Keeping everyone in check."

11 A. I believe that he knows that these letters
12 are read by other people, so what I feel is that he
13 wants whomever is reading these letters to know that
14 he's in charge and he's keeping everybody under
15 control.

16 Q. Everybody being who?

17 A. All the brothers.

18 Q. Brothers being whom?

19 A. All the SNMers.

20 Q. I'm going to go to -- do you know a person
21 by the name of Christopher Chavez?

22 A. I know a lot of people by their nicknames.

23 Q. Do you know somebody named Critter?

24 A. Oh, yeah.

25 Q. How do you know Critter?

1 A. I was in the North with Critter, and the
2 South with Critter.

3 Q. Okay. And when you say North and South,
4 are you meaning prison facilities?

5 A. Yes, ma'am. I'm sorry.

6 Q. That's okay. And do you see him in the
7 courtroom today?

8 A. Yes, ma'am.

9 Q. And where is he?

10 A. He's over there.

11 Q. When you say "over there," what's he
12 wearing?

13 A. He's wearing a blue jacket -- I mean a
14 blue shirt and a black jacket.

15 Q. And is he wearing a tie?

16 A. Yes, ma'am.

17 Q. What color?

18 A. Blue and black.

19 MS. ARMIJO: May the record reflect
20 identification of Christopher Chavez?

21 THE COURT: The record will so reflect.

22 BY MS. ARMIJO:

23 Q. Now, is he an SNM Gang member?

24 A. Yes, ma'am.

25 Q. And how was it that you were able to talk

1 to him?

2 A. I'd see Critter in the yard.

3 Q. Did he ever make any statements to you
4 about an incident regarding the death of an inmate?

5 A. Ummm.

6 Q. Well, let me be more specific. Did he
7 ever tell you anything about whether or not he was
8 involved with anything regarding somebody by the
9 name of Looney?

10 A. Yes, sir.

11 MR. GRANBERG: Objection, leading.

12 THE COURT: Overruled.

13 A. Our conversation -- I just, you know, I
14 talked to Critter in the yard, and he and I used to
15 both listen to heavy metal tapes, and we would trade
16 off tapes and stuff like that. And then when I ran
17 into him in the yard, you know, we would just chop
18 it up, and I was just, like, hit him up, "Well, what
19 are you doing? What's up? Why are you here?"

20 And he just told me that he was there for
21 that viaje that happened with Looney.

22 Q. Okay. You said viaje?

23 A. That's --

24 Q. And what does that mean?

25 A. Viaje, incident. Viaje. Like that thing

1 that happened.

2 Q. Okay. Do you know somebody by the name of
3 Billy Garcia?

4 A. Yes.

5 Q. And do you see him in the courtroom today?

6 A. Yes, ma'am, I do.

7 Q. And where is he?

8 A. Billy is right there in the first row.

9 MR. CASTLE: We'll stipulate.

10 Q. I think he raised his hand. Did he have a
11 nickname?

12 A. Yes, Wild Bill.

13 Q. Now, and do you know whether or not -- or
14 what his position was in the gang?

15 A. I always thought Bill was the leader, or
16 should have been the leader.

17 Q. And why do you say that you thought he was
18 the leader, should have been the leader?

19 A. Because Billy has a lot of respect. He's
20 been in a long time. And I just -- when I just
21 heard -- I have heard of, I had heard of --

22 MR. CASTLE: Objection, hearsay, Your
23 Honor.

24 THE COURT: Well --

25 MS. ARMIJO: I'll rephrase the question,

1 Your Honor.

2 BY MS. ARMIJO:

3 Q. Did you have a lot of respect for him?

4 A. I did.

5 Q. And were you ever housed with him?

6 A. Yes, I was.

7 Q. Because of the respect that you had for
8 him, did you -- or did you have opportunities to
9 talk to him?

10 A. Yes, I had.

11 Q. And was it on more than one occasion?

12 A. Yes, ma'am, it was.

13 Q. And you indicated that -- did you ever
14 have any conversation with him in reference to the
15 murders that happened in 2001?

16 A. Yes, ma'am, I did.

17 Q. And what was that conversation?

18 A. I was just, you know -- these
19 conversations that he and I had were multiple days,
20 you know, within months. We would go into a little,
21 small courtyard, and you know, just like I was
22 saying, you know, even before I was in prison, like,
23 I knew of him, like, you know, like his reputation
24 exceeded him, and it's kind of like meeting someone,
25 like, famous, you know. You hear these -- about

1 these guys that, you're a kid and all these
2 references, like, you know. So when I finally got
3 to meet him, you know, I wanted to, you know, know
4 him and learn from him.

5 Q. And is that what you tried to do?

6 A. Yes, it is.

7 Q. And did you talk to him about the SNM
8 politics?

9 A. Yes, I tried to learn as much as possible
10 as I could from him.

11 Q. During one of those conversations, did you
12 have a conversation with him about the 2001 murders
13 that happened down at Southern?

14 A. While I was -- I just kind of, like, well,
15 why aren't you -- I was trying to ask him, well, why
16 wasn't he the jefe. You know what I mean? Like how
17 come he wasn't -- how come he wasn't driving the car
18 especially. Because, you know, I didn't feel like
19 the person that was -- I felt like he should be
20 driving the car instead of the choices -- instead of
21 who was driving the car at the time.

22 Q. And who was driving the car?

23 A. Arturo was driving the car at the time.
24 And I was just, you know -- and he just basically
25 told me that it was just, like, a title, like, you

1 know what I mean, what's a title, you know, like,
2 basically, you know, just was like, you know, that
3 viaje; I made that shit happen. You know what I'm
4 saying? I rolled up and that shit happened in days.

5 Q. Okay. And that viaje -- which viaje was
6 he referring to during this conversation?

7 A. The one with Pancho and Looney.

8 Q. And did he indicate anything to you as far
9 as his role in that?

10 A. No, he just left it like that, like that's
11 what it was, like I rolled up and that shit
12 happened, that viaje happened in days.

13 Q. Okay, and when he said -- what was your
14 understanding as far as him rolling up? What was
15 the significance of it? Was he the leader at the
16 time?

17 A. No, him getting to that facility.

18 Q. Right.

19 A. And that's the kind of clout he had. The
20 day he rolls up, and within days that he was there,
21 he got it taken care of.

22 Q. And are we talking about -- did he mention
23 two people by name?

24 A. No.

25 Q. Okay.

1 A. He just said that viaje.

2 Q. Did he ever indicate --

3 A. But I knew what he was talking about,
4 like, he didn't have to say names. It was just
5 like -- like --

6 Q. Did he ever use the term "six feet under"
7 with you?

8 A. It was like in the form of the
9 conversation. I can't recall exactly, ma'am. It
10 was kind of like said in that term. But it was like
11 that viaje; that's how it was said.

12 Q. Okay. Now, did you know Fred Sanchez?
13 Did you know Fred Dawg?

14 A. Yeah.

15 Q. And are you aware -- were you aware of
16 whether or not he had a green light out on him prior
17 to his murder?

18 A. It was kind of known.

19 Q. Okay. And just to be clear, were you
20 incarcerated before his murder?

21 A. Yes, ma'am.

22 Q. And were you incarcerated after his
23 murder?

24 A. Yes, ma'am.

25 Q. Meaning you were incarcerated during those

1 years?

2 A. Yes, ma'am, I was.

3 Q. And did you have a conversation with
4 Arturo Garcia about Fred Dawg?

5 A. Yes.

6 Q. Okay. Did you have a conversation with
7 Arturo Garcia before Fred Dawg was murdered?

8 A. Yes, ma'am.

9 Q. And what was that conversation?

10 A. He was just kind of upset because he was,
11 like, frustrated because he was over there and he
12 wanted that shit to be handled, and it wasn't
13 getting dealt with.

14 Q. Okay. Where -- where was it that you had
15 this conversation with him? Was it at PNM?

16 A. Yes.

17 Q. And when you say "down there," what are
18 you referring to?

19 A. In Las Cruces.

20 Q. At Southern?

21 A. Yes, ma'am.

22 Q. And he was upset that it wasn't being --

23 A. That they hadn't killed him yet.

24 Q. Now, at some point was Fred Dawg murdered?

25 A. Yes, ma'am.

1 Q. After Fred Dawg was murdered, do you
2 recall if other SNM members had showed up at PNM
3 where you were being housed?

4 A. Yes, ma'am.

5 Q. And who all showed up, if you recall?

6 A. I just knew -- I knew it was, like, Blue
7 and Huero Troup and Benjamin Clark. Those were the
8 ones that were kind of in my area at that time that
9 I can recall right offhand.

10 Q. What about Javier Alonso?

11 A. Oh, yeah, Little Wino.

12 Q. At some point did you have -- and I don't
13 want to get into anything that other people said,
14 unless I ask -- but were there some people that were
15 upset with things after the Fred Dawg murder?

16 A. Yes.

17 Q. And at some point did you have a
18 conversation with Arturo Garcia about that?

19 A. Yeah, Benjamin Clark was mad because it
20 got handled, and he was pretty much in the clear,
21 and they hadn't -- they didn't -- they didn't lock
22 him up for it. But then no, no, he -- this is from
23 my understanding. And then what landed up happening
24 was, they locked him up --

25 MR. BLACKBURN: Objection, Your Honor.

1 THE COURT: Sustained.

2 BY MS. ARMIJO:

3 Q. I'm not going to get into what you believe
4 or what people told you. I wanted to get into: Did
5 you have a conversation with Arturo Garcia about
6 some of the politicking that was going on?

7 A. Yes, ma'am.

8 Q. Okay. Now, I'm not going to ask you about
9 what the politicking was, but did Arturo Garcia say
10 anything to you about the politicking that was going
11 on?

12 A. "He can cry all he wants. If he has a
13 fucking problem with it, he'll be next on the
14 chopping block."

15 Q. Okay. And when he said, "He can cry all
16 he wants," who was Arturo Garcia referring to?

17 A. Benjamin Clark.

18 Q. And did you know what he meant by "next on
19 the chopping block"?

20 A. Yeah, that he'd be subject for a hit next,
21 he'd be hit next.

22 Q. Did you know someone by the name of Huero?

23 A. Yes, ma'am.

24 Q. And did you know him just by Huero, or did
25 you know his real name?

1 A. Just Huero Troup.

2 Q. Do you see Huero Troup in the courtroom
3 today?

4 A. Yes.

5 Q. And where is he?

6 A. He's in the first in line over there.

7 Q. Is he closer to the door entering into the
8 courthouse, or closer to where you're seated?

9 A. He's in the white. He's wearing a light
10 shirt over there.

11 MS. ARMIJO: May the record reflect the
12 identification of Edward Troup?

13 THE COURT: The record will so reflect.

14 BY MS. ARMIJO:

15 Q. And how was it that you -- when did you
16 meet Huero Troup approximately?

17 A. I met him in the South.

18 Q. And do you recall approximately when?

19 A. No, ma'am. It was a long time ago and a
20 lot of time.

21 Q. Okay. And did he say anything to you in
22 reference to an incident involving a murder?

23 A. Yes, ma'am.

24 Q. Okay. Tell us about that.

25 A. They would come periodically to -- like,

1 they were trying to work their way into my pod
2 because I was always hitting with dope, and they
3 were, like, on a painting crew, and --

4 Q. And who is "they"?

5 A. Huero Troup and Dan Dan and Cyclone,
6 Crazo. And they would come into my pod and paint,
7 and try to make their way in there cleaning or
8 whatever, so that they could hit me up for dope.

9 Q. And did you have a conversation with him
10 about a murder?

11 A. I did.

12 Q. And what was that conversation?

13 A. I was just giving him props on it.

14 Q. You were giving him props?

15 A. I was giving him props, and asked him
16 like, "What are you doing? What are you here for?"

17 And he said, you know -- he just said --
18 well, it was more like -- it was like: "Why are you
19 here? What are you doing? Why are you here,
20 brother?"

21 And he goes, "You know, I had to handle --
22 we had to handle our scandal."

23 And then I was like, "Fuck, yeah, brother,
24 you already know, I'm, like, fuck."

25 Q. When he said "scandal," did he tell you

1 anything else as far as what he did?

2 A. No, ma'am.

3 Q. Did he say anything about work? Do you
4 know the term "putting work in"?

5 A. Yes, ma'am.

6 Q. And what does that mean?

7 A. Just putting in work, like choking a
8 motherfucker out. You know what I mean?

9 Q. All right. Did he -- is that something
10 that is expected of SNM members?

11 A. Yes, ma'am.

12 Q. Now is that common, to have people paint?
13 I mean, is that -- how does that work within a
14 prison? Can anybody go paint, or is it inmates?

15 A. No, well, they were in a different -- they
16 were on tier time. They were in a different pod,
17 like an honors pod. They were in a pod where they
18 were working their way towards Las Cruces.

19 Q. And how could you work your way towards
20 Las Cruces?

21 A. By behaving.

22 Q. Okay. So would that change your
23 classification?

24 A. Yes, ma'am.

25 Q. All right. And did you go through that

1 different process?

2 A. Yes, ma'am.

3 Q. Now --

4 A. It was kind of -- well, it was -- they
5 had -- STIU had told me that they were concerned
6 about letting me out because they were concerned
7 that there was --

8 Q. I don't want to get into anything that
9 people told you.

10 A. All right.

11 Q. I'll show you Exhibit Number -- and I
12 believe it's 825. All right, sir. Are you familiar
13 with this?

14 A. No, ma'am.

15 Q. Okay. Do you see up there it says
16 offender location history?

17 A. Yes, ma'am.

18 Q. And it has your name.

19 A. Yes, ma'am.

20 Q. And is that your NMCD number?

21 A. Yes, ma'am.

22 Q. And is this your location history? Well,
23 let me just ask you this: It says end date
24 11/21/2014.

25 A. Yes, ma'am.

1 Q. Is that when you were released?

2 A. Yes, ma'am.

3 Q. And does this appear -- I know this is
4 just the first page. Does this appear to have the
5 history of where you were at different points in the
6 corrections system?

7 A. Yes, ma'am.

8 Q. Okay. It appears that you were at
9 Southern and at PNM and other facilities throughout
10 your time?

11 A. Yes, ma'am.

12 THE COURT: Ms. Armijo, would this be a
13 good time for us to take our afternoon break?

14 MS. ARMIJO: Yes, thank you, Your Honor.

15 THE COURT: All right. We'll be in recess
16 for about 15 minutes. All rise.

17 (The jury left the courtroom.)

18 THE COURT: All right, Mr. Griego, why
19 don't you step out of the courtroom, and everybody
20 be seated for a second.

21 I had heard earlier -- my staff had
22 reported that they had heard that Ms. Armijo thought
23 that the Government might be done by Friday, and
24 then I heard it was going to be Monday, but it sure
25 seems that things have really slowed down here. I

1 got to have a chart that I can rely on. It can't be
2 a moving target. So I'd really encourage the
3 Government to look at these witnesses. These are on
4 fumes. You may not have them up there very long,
5 but four hours for somebody like Sammy Griego? I
6 mean, you know, I'm just bracing myself. This is
7 getting to be on fumes. Just because somebody is a
8 cooperator doesn't mean they have to be called.
9 Just think about whether you really need any of
10 these people to finish this case up.

11 I think we really need to -- the jury --
12 we've really got to be mindful of them and really be
13 thinking about whether the Government needs really
14 any more evidence. And we need to move on to the
15 defendants, see what they have, give them plenty of
16 time to put on their case, and be done with it.

17 But I really encourage everybody to just
18 look at that jury and see if you're having any
19 impact. I doubt it. I think we're on fumes here.
20 We're just not getting much information out, but
21 we're going to spend a tremendous amount of time on
22 a witness like Sammy Griego. And just ask yourself
23 whether this is really doing anybody, any side, any
24 good.

25 All right. We'll be in recess for 15

1 minutes.

2 MR. BLACKBURN: Your Honor, one item
3 before you leave. You had asked me to contact the
4 lawyer for --

5 THE COURT: Let me get to you after the
6 break. Let me let Ms. Bean rest her fingers.

7 (The Court stood in recess.)

8 THE COURT: Looks like all the defendants
9 are back in the courtroom. Looks like we have an
10 attorney for all defendants.

11 Let me make a better record than I did a
12 minute ago. The 302 that I mentioned right around
13 the lunch hour belongs to Mr. Cordova and not to
14 Mr. Munoz. This is the one we marked up with
15 Mr. Castellano here at the bench with the limiting
16 instructions that I gave throughout the completing
17 of the direct examination by Mr. Castellano and of
18 Mr. Cordova. I checked the real-time. I was a
19 little concerned about my record at that point, and
20 I just used pronouns. So that's the reason I'm
21 being specifical here that it was during
22 Mr. Cordova's testimony. It was just a while back.
23 And I didn't use names when we marked the 302.
24 That's the one that's marked as the clerk's Exhibit
25 14 this morning, so we show exactly what the 302

1 looked like and what the limiting instructions are
2 going to be, and I made y'all copies of it.

3 Mr. Blackburn, you had something you
4 wanted to mention about your situation?

5 MR. BLACKBURN: Yes, Your Honor. You had
6 requested that I contact Mr. Daffy Garcia's lawyer,
7 and I did. I sent an email and I was able to talk
8 to him over the lunch hour. He's sort of unfamiliar
9 with the process that's going on down here and the
10 email didn't make any sense to him because he
11 doesn't know about the 1613 case.

12 But he said that he's representing him on
13 the perjury count because they said a separate
14 indictment on the perjury. So he doesn't know if
15 he's appointed to be able to come in here and
16 represent Daffy on whether or not there is a
17 conflict or something. And I said, "Well, there is
18 no question you're his lawyer, and you've got to do
19 something, and the judge wants to know. So I will
20 let the judge know if we've got to appoint you to
21 some miscellaneous case out there."

22 THE COURT: Okay.

23 MR. BLACKBURN: He represents him on the
24 perjury.

25 THE COURT: Well, let me see if I can

1 clear that up. If you want to send him an email,
2 I'll try to clear it up. But I would like for him
3 to represent him.

4 MR. BLACKBURN: I'll tell him.

5 THE COURT: All rise.

6 (The jury entered the courtroom.)

7 THE COURT: Everyone be seated.

8 Mr. Griego, if you want to return to the
9 witness box, I'll remind you that you're still under
10 oath.

11 All right. Ms. Armijo, if you wish to
12 continue your direct examination of Mr. Griego, you
13 may do so at this time.

14 BY MS. ARMIJO:

15 Q. All right, Mr. Griego. I just have a few
16 more questions for you. When you were talking to
17 Huero Troup about handling the scandal, what was
18 that conversation in reference to?

19 A. About when -- what went down in Las Cruces
20 with Fred Dawg.

21 Q. Okay. And what exactly did Huero Troup
22 say?

23 A. He said that I just -- like I said before,
24 I asked him, you know, "What are you doing? Why are
25 you here?"

1 And he said, "We had to handle our scandal
2 and choke that fool out."

3 Q. Now, did he tell you -- did he
4 specifically say who the "we" was, or did he just
5 say "we"?

6 A. He just said "we."

7 Q. Now, since being contacted by the FBI and
8 you agreed to cooperate for them in 2015, did you do
9 drug buys for them?

10 A. Yes, ma'am, I did.

11 Q. And were you pending any charges of any
12 type?

13 A. No, ma'am, I wasn't.

14 Q. And have you ever been pending any sort of
15 charges since being contacted by the FBI?

16 A. No, ma'am. I wasn't.

17 Q. Have you ever received a tablet with the
18 discovery in this case?

19 A. No, I haven't.

20 Q. Did you buy drugs from SNM associates and
21 other SNM members?

22 A. Yes, ma'am, I have.

23 Q. And as a result of that, were you paid by
24 the FBI?

25 A. Yes, ma'am, I was.

1 Q. And were you paid over \$15,000?

2 A. Yes, ma'am, I was.

3 Q. And was it numerous individuals that you
4 bought drugs from?

5 A. Yes, ma'am, and for relocation, too.

6 MS. ARMIJO: All right. Thank you. I
7 pass the witness. Thank you, Your Honor.

8 THE COURT: Thank you, Ms. Armijo.

9 Mr. Castle, do you have cross-examination
10 of Mr. Griego?

11 MR. CASTLE: Yes, I do. Thank you, Your
12 Honor.

13 THE COURT: Mr. Castle.

14 CROSS-EXAMINATION

15 BY MR. CASTLE:

16 Q. Mr. Griego, you were talking on direct
17 about a conversation you had with Billy Garcia. Do
18 you recall that?

19 A. Yes, sir.

20 Q. And you talked about it happening in a
21 courtyard. Tell us a little bit about the courtyard
22 where this discussion happened.

23 A. The courtyard was in the South facility.
24 It's between two housing units and it has, like,
25 four cages in it, six cages.

1 Q. You've talked to the FBI about this;
2 right?

3 A. Yes, I have.

4 Q. And I think it was on two different
5 occasions?

6 A. Yes, sir.

7 Q. On both occasions you said it happened --
8 your discussion with Mr. Billy Garcia happened at
9 the Southern New Mexico Correctional Facility. Do
10 you recall that?

11 A. I believe so.

12 Q. Now, you've been in different correctional
13 facilities in the Department of Corrections; right?

14 A. Yes.

15 Q. You've been in PNM, the North?

16 A. Yes.

17 Q. You've been PNM South?

18 A. Yes.

19 Q. You've been in RDC?

20 A. Yes.

21 Q. You've been in Southern New Mexico
22 Correctional Facility?

23 A. Yes, sir.

24 Q. And can we pull up Mr. Griego's history,
25 his location history? I believe it's 2825.

1 While they're pulling that up, you weren't
2 in Southern New Mexico Correctional Facility when
3 the two murders happened, were you?

4 A. No, sir.

5 Q. So it looks like you were in there at
6 Southern New Mexico Correctional Facility from 2006,
7 March 20 of 2006 to January 10th of 2007. Is that
8 about right?

9 A. I believe so.

10 Q. Then you again were there in 2014. Right?

11 A. Yes, sir.

12 Q. And then if we could turn the page again
13 to the next page. Let me see we had 2006 to 2007
14 and then 2014; right? So let's look at the rest of
15 your time period. It doesn't look like you were in
16 Southern in 2002 to 2005; right? Doesn't look like
17 that; right?

18 A. No, sir.

19 Q. Well, tell me a little bit. So this
20 conversation either happened in that 2006/2007
21 window at Southern New Mexico Correctional Facility
22 or the 2014 one; right?

23 A. Are you saying Southern or the South, sir?

24 Q. Well --

25 A. It happened at the South facility.

1 Q. Well, you --

2 A. PNM New Mexico.

3 Q. You told the FBI on two different
4 occasions that your discussion with Billy Garcia was
5 at the Southern New Mexico Correctional Facility.

6 A. Well, I was misunderstood. Because it was
7 in the South, in the little courtyard that I had
8 these conversations.

9 Q. Let's take another look at the reports?

10 A. The South, Southern --

11 Q. Hold on. There is no question right now.
12 The first time you mentioned having this
13 conversation was October 30 of 2015; do you recall
14 that? Page 709. Do you recall that?

15 A. Do I recall what?

16 Q. Do you recall the first time that you
17 claimed that Mr. Garcia, Billy Garcia, confessed to
18 being involved in the 2001 murders was on October 30
19 of 2015? That was your first discussion?

20 A. Okay.

21 Q. And what you told them specifically is
22 that you recall that he had a discussion with you in
23 2009 at the Southern New Mexico Correctional
24 Facility around Christmastime?

25 A. Oh, they must have got it wrong, because

1 it was at the South.

2 Q. Okay. But -- I'll accept that for a
3 second. But that's what the report -- they've shown
4 you the report and shown you that there is a problem
5 here; right? Yes or no?

6 A. I've seen reports, but I --

7 Q. You were shown this report; right?

8 A. Can I see the report?

9 Q. Yes. Does this appear to be the report
10 that was written up after your interview on October
11 30 of 2015?

12 A. Can you show me where it says that, where
13 I was --

14 Q. October 30, 2015. This says that you told
15 them that Billy Garcia admitted to calling the
16 murder of both victims while talking with you at the
17 Southern New Mexico Correctional Facility in 2009
18 around Christmas.

19 A. They must have misunderstood, because it
20 was at the South facility. South and Southern they
21 must have mixed -- wrote the report wrong. It was
22 at the South facility, actually, in the little
23 courtyard when he and I were both -- me and him were
24 not housed together in Southern.

25 Q. And that was with -- do you recall who the

1 agent was that you made that interview with?

2 A. Bryan.

3 Q. Bryan Acee?

4 A. Yes, sir.

5 Q. Then again he talked to you about this a
6 second time on March 21, 2018, just like two months
7 ago. Do you recall that?

8 A. Right.

9 Q. And this time, it wasn't actually Agent
10 Acee. It was a different FBI agent by the name of
11 Thomas Neale who was present with Ms. Armijo, and
12 they were interviewing you; do you recall that?

13 A. Yes, sir.

14 Q. And so --

15 A. I believe I said the South.

16 Q. Well, in that interview you said again
17 that after the 2001 murders of Frank Castillo and
18 Rolando Garza, that you met Billy Garcia at the
19 Southern New Mexico Correctional Facility. And then
20 you went on to say what Mr. Garcia supposedly
21 admitted to you.

22 A. I told them the South. I didn't write the
23 report, sir.

24 Q. You didn't write the report?

25 A. No.

1 Q. Let me approach. See, this is a report of
2 an interview with you on March 20, 2018. Do you see
3 that? It was at the South. I'm asking you, did you
4 see the report said -- you did the interview; right?

5 A. Um-hum.

6 Q. And they actually reviewed your prior
7 statements with you; right?

8 A. Um-hum.

9 Q. They allowed you to look at them and make
10 any corrections; right? And what you told them,
11 again, on that date, this is a completely different
12 FBI agent, different people. You told them that
13 your discussion with Mr. Billy Garcia was at the
14 Southern New Mexico Correctional Facility.

15 A. They must have misunderstood. It was at
16 the South.

17 Q. Maybe -- you think maybe that when they
18 typed the report up, they did it wrong, they typed
19 the report up wrong? Is that what you're thinking?

20 A. Like I said, if I don't know. South and
21 Southern -- they must have right away assumed
22 Southern. I don't know. I said it was at the South
23 facility where me and Billy were housed together.

24 Q. So they made a mistake in the report? Is
25 that what you're saying?

1 A. I don't know. I didn't type the report.

2 Q. Let's see the notes or the final report.

3 I'll show you the notes also. 61844. They're
4 actual notes here. Once again, they have all the
5 details that you told them, and they said again that
6 you told them he was housed at the same pod in
7 Southern New Mexico Correctional Facility?

8 A. At the South facility.

9 Q. Isn't that what that note said?

10 A. Me and Billy were at the South together.
11 Not Southern.

12 Q. The question is: Is that what the notes
13 say?

14 A. Yes.

15 Q. Right?

16 A. Yes. I didn't write that report.

17 Q. Okay. Now, you're saying you're together
18 at -- let's just talk about the South facility.
19 Okay? We'll take your words. South facility around
20 December of 2009, right around Christmastime; right?

21 A. Yes, sir.

22 Q. And that was an important time for you,
23 because you were about to get out of prison; right?

24 A. I don't remember.

25 Q. You don't remember getting out?

1 A. Oh, yeah, yeah, yeah, yeah.

2 Q. The first time when you were an adult, the
3 first time you got out of the prison was on
4 Christmas Day 2009?

5 A. Wow. It's been a long time.

6 Q. Do you remember that?

7 A. Yeah, I remember now.

8 Q. And that was an important day. Just like
9 a military person counts their out day, you inmates
10 look forward to the day that you get out; right?

11 A. Yes, sir.

12 Q. So it's a day you remember; right?
13 Especially if it's on Christmas. And so when you
14 told them about this conversation you had in
15 Christmas of 2009, that meant something to you;
16 right?

17 A. Yeah.

18 Q. Okay. So let's pull up, if we can,
19 Mr. Griego's visitation records, and then also Billy
20 Garcia's, which I believe is Exhibit 83, and put
21 them side by side if we can.

22 If we go to page 2 of Mr. Griego's
23 location history, page 1, so Christmastime 2009.
24 You actually got out -- let's see. December 25.
25 You have a gap. You don't go back to jail until

1 2011. Do you see that on the screen?

2 A. Yes.

3 Q. You were in the South, you're right.

4 Between August 1 of 2009 and December 25, 2009, you
5 were in the South facility; right? PNM South. Do
6 you see that? You have to say yes or no.

7 A. Yes, I see.

8 Q. Let's go to Mr. Garcia's and see where he
9 was in Christmastime of 2009. He was in PNM North,
10 sir; right?

11 A. Yep. I wasn't keeping track of dates.

12 Q. You kept track of when you were going to
13 get out, like every inmate does.

14 A. I wasn't keeping track of what days he and
15 I were together there, sir.

16 Q. So you had -- two different agents have
17 the wrong location, and apparently everybody has the
18 wrong dates, too.

19 A. Like I said, sir.

20 Q. Okay. Talk about the courtyard for a
21 minute. How big was the courtyard?

22 A. It's probably about this big.

23 Q. So 10 by 10?

24 A. Yes.

25 Q. And is there a corrections officer

1 watching you?

2 A. No.

3 Q. You're left alone to walk back and forth
4 with other inmates and talk?

5 A. These ones are cages.

6 Q. So who else -- let me guess. Was there
7 anyone else who was a witness to this conversation?

8 A. They're right next to each other.

9 Q. I understand. No one else was a witness
10 to this alleged conversation?

11 A. I don't know.

12 Q. Okay. Well, the first time you ever
13 talked to the police about this alleged statement by
14 Mr. Garcia was on October 30, 2015; right?

15 A. Right.

16 Q. And you'd been working with the FBI for
17 quite some time before that; right? Doing these
18 recorded calls and drug deals and things like that;
19 right?

20 A. Yes.

21 Q. And never mentioned the issue of
22 Mr. Garcia before October 30, 2015; right?

23 A. I believe it was brought up.

24 Q. Well, none of the reports. Will you take
25 my word for it? None of these meticulous reports

1 they wrote mentioned until October 30, 2015. Would
2 you accept that?

3 A. (Witness nods.)

4 Q. Now, you had actually come forward in
5 2009. You had talked to the STIU coordinators and
6 told them you wanted out of the gang, and they
7 interviewed you. Do you recall that?

8 A. Yes.

9 Q. And in 2009, what they did was, it was
10 actually an STIU coordinator by the name of Adam
11 Vigil. Do you remember that person?

12 A. Yes, I do.

13 Q. And they talked to you about your role in
14 the SNM?

15 A. Yes.

16 Q. And you talked about how you were a very
17 big drug dealer for the SNM; right?

18 A. I believe so.

19 Q. And you really didn't have to put in any
20 work because you got into the gang because of your
21 money and your drugs?

22 A. I don't believe that was said.

23 Q. Well, they asked you about the gang;
24 right?

25 A. Yes.

1 Q. And they asked you about things you knew
2 about the gang; right?

3 A. Yes.

4 Q. And when you had that interview with them
5 in 2009, once again you didn't say anything about
6 Mr. Billy Garcia. This would have been in 2009, in
7 2009, you didn't say, "Billy Garcia has confessed to
8 me"?

9 A. No.

10 Q. Okay. I want to talk to you about what
11 happened right before you made this statement,
12 October 30 of 2015, where you say Mr. Garcia made
13 the alleged confession to you. And it's about a
14 crime that you haven't admitted to here in court.
15 Okay? I think Ms. Armijo asked you questions, and
16 you said all of the crimes you've committed have
17 been about distribution of drugs. Do you recall
18 that?

19 A. Yes.

20 Q. Do you recall getting charged in September
21 of 2015 with a crime?

22 A. Yes.

23 Q. A domestic violence crime?

24 A. Yes.

25 Q. I'm going to try to get the specifics of

1 it, if we can.

2 MS. ARMIJO: Your Honor, may we approach?

3 THE COURT: You may.

4 (The following proceedings were held at
5 the bench.)

6 THE COURT: Go ahead, Ms. Armijo.

7 MS. ARMIJO: Your Honor, I believe he's
8 going to try to impeach him with -- obviously he has
9 paperwork from something. It's not -- is it a
10 felony?

11 MR. CASTLE: It's a crime punishable by
12 more than one year, Your Honor. It's punishable by
13 up to 18 months that he pled guilty to. I have the
14 judgment and conviction. He pled guilty to false
15 imprisonment.

16 THE COURT: Well, it sounds like it's
17 coming in. Do you want to see it? He admits to it.

18 MR. ARMIJO: Well, if it's a felony, I
19 don't mind it coming in as --

20 THE COURT: Just for impeachment of
21 credibility?

22 MR. ARMIJO: Correct. I don't think they
23 can get into the facts at all.

24 MR. CASTLE: I'm going to get into the
25 facts, and I think it is relevant, Your Honor.

1 After this man -- what happened was less than 30
2 days prior to him blaming my client for murder; he
3 gets charged with four felonies. And after he makes
4 a statement against my client, he gets a deal
5 where -- he was an habitual criminal and he ends up
6 getting probation out of that.

7 THE COURT: What's the purpose of bringing
8 all that in?

9 MR. CASTLE: Because that's the
10 consideration. That's the motivation for blaming my
11 client, trying to get consideration so he doesn't go
12 back to prison.

13 THE COURT: I think you can either bring
14 in the conviction or you can bring in the facts, but
15 you can't do both. So you've got to pick one.

16 MS. ARMIJO: And Your Honor --

17 MR. CASTLE: I'll put in the facts.

18 MR. ARMIJO: And I would like to ask what
19 the good faith basis is that he received
20 consideration. Because I didn't even know about
21 that conviction. Nobody has done anything. So I
22 would tread lightly unless you have a good faith
23 basis that he received consideration for that.

24 MR. CASTLE: I put two and two together,
25 Judge. They haven't given us a lot of things.

1 THE COURT: Do this for me. On the other
2 good faith basis issue, why don't you want me to --
3 write out what you want me to tell the jury and run
4 it past Mr. Castle.

5 MR. ARMIJO: I will. And I will be making
6 the same objection, if he's insinuating something,
7 because I can tell the Court that I didn't even know
8 about that and so he has not received any
9 consideration.

10 MR. CASTLE: Your Honor, it's also
11 relevant for a number of other reasons, not the
12 least of which is that he signed a written contract
13 with the FBI in, I believe, June of 2015. One of
14 the provisions of the contract -- April. One of the
15 provisions was that he not commit any new crimes.
16 Okay? He commits this crime while he's under
17 contract, and then even after that they give him
18 \$10,000 cash payment for his assistance in this
19 case.

20 THE COURT: Okay. But if we're going
21 after his credibility, let's make sure that if
22 you're going to use it for other purposes beside
23 credibility, then state the facts. But if you start
24 talking about his conviction and talking about a
25 crime or conviction or something like that, then

1 I'll --

2 MR. CASTLE: I may make my decision up
3 there, but I understand that once I cross that
4 bridge, I have to cross only one bridge.

5 THE COURT: Okay.

6 (The following proceedings were held in
7 open court.)

8 THE COURT: All right, Mr. Castle.

9 MR. CASTLE: Actually, I have to correct
10 something, and then we'll go back to the domestic
11 violence situation.

12 BY MR. CASTLE:

13 The meeting that you had with the STIU was
14 November 14, 2011, not 2009; do you recall that?

15 A. Like I said, sir, it's been a long time, a
16 lot of time, and it's a long time ago.

17 Q. Let's show you the report on that. A
18 report from the State of New Mexico Corrections
19 Department, November 14, 2011. It talks about you.
20 And do you want to take a look at it any further?
21 Does that refresh your memory as to the date and
22 time that you came forward to the STIU?

23 A. I'd like to look at it.

24 Q. Sure. So was I right? It wasn't 2009; it
25 was 2011?

1 A. That's what that paper says.

2 Q. Yeah?

3 A. Yeah.

4 Q. Now, are you on probation currently?

5 A. Yes.

6 Q. It's not for a drug case, is it?

7 A. Yeah, it's all combined together. I'm
8 still on this drug case.

9 Q. Well, it's a drug case and also a
10 conviction for false imprisonment involving someone
11 you loved; right?

12 A. That's a probation violation with false
13 imprisonment combined with it.

14 Q. Okay. And you pled guilty on January 13
15 of 2017 for false imprisonment; right?

16 A. Yes.

17 Q. Now, did you sign a contract with the FBI?
18 Do you recall signing a contract with them?

19 A. I believe I did.

20 Q. And one of the terms of that contract was
21 that you weren't supposed to commit any law
22 violations; right?

23 A. I think so.

24 Q. And you signed that contract in 2015; is
25 that right?

1 A. I don't know the date, sir.

2 Q. Well, right around the time the letters --
3 the letter that was going to be sent to you to kill
4 the Director of Corrections and the deputy; is that
5 right?

6 A. Right.

7 Q. And so that would have been around late
8 spring of 2015?

9 A. I don't recall.

10 Q. And by the way, of all the people that
11 these leaders of the SNM in 2015 could pick out, why
12 were you one of the people they wrote to that they
13 thought could kill two people out here in the
14 community?

15 A. I have no idea.

16 Q. I mean, the SNM has a lot of people that
17 have shown, time and time again, that they're
18 willing to kill; right?

19 A. Right.

20 Q. But they choose you; right?

21 A. I --

22 Q. You didn't get the letter and all of a
23 sudden go to the FBI and say, "Oh, my God, look at
24 this letter. Look what happened." The FBI came to
25 you; right?

1 A. Right.

2 Q. Now, what's your nickname?

3 A. Sammy G.

4 Q. How about Sleazy?

5 A. Yeah.

6 Q. In fact, you tattooed that name on your
7 back?

8 A. No.

9 Q. You had someone tattoo it on your back;
10 right?

11 A. No, it's on my leg.

12 Q. Oh, it's on your leg. I'm sorry. What
13 was your role in the SNM?

14 A. I brought in dope.

15 Q. And you were kind of a smooth talker with
16 the women. I think you said that you are a -- you
17 have the gift of gab; right? I know today you're
18 talking kind of real slow and stilted, but I guess
19 with the women you're much more fluent, enough to
20 get random women to send cash in prison and do drug
21 deals for you and smuggle drugs in?

22 A. I'm a little nervous. There's a lot of
23 people in this room that want to kill me.

24 Q. Well --

25 A. There are a lot of people that are killers

1 in this room. I'm very scared and nervous, to be
2 honest with you.

3 Q. Okay. So your role was a drug dealer with
4 the SNM?

5 A. Right.

6 Q. You weren't a violent guy? I think you've
7 told the FBI that?

8 A. I don't believe I told them that.

9 Q. Are you a violent guy for the SNM? Are
10 you one of the violent ones?

11 A. I do what I got to do. I used to do what
12 I had to do, do what I was asked to do.

13 Q. Okay. Just give us a sampling. I don't
14 want every dirty detail, but give us a sampling.

15 A. If they say, "Go hit this guy," I'll go
16 hit him, try to do my best, try to hit him.

17 Q. I think the only one you haven't told him
18 about was the one involving Tom Sanders; is that
19 right?

20 A. Yes.

21 Q. And you went there with other guys and you
22 guys ended up being beaten up by Tom Sanders; right?

23 A. Yes.

24 Q. So other than that, there is no other kind
25 of tough-guy stuff you did. You did merely drug

1 deals; right?

2 A. Yes.

3 Q. When you talked to the agents on October
4 30, 2015, you told them essentially that a whole
5 bunch of people confessed to you; right? In
6 addition to allegedly Mr. Garcia; right? You told
7 them Freddie Munoz.

8 MS. ARMIJO: Objection, hearsay.

9 MR. CASTLE: I'm not offering it for the
10 truth, Your Honor.

11 THE COURT: What are you trying to
12 impeach?

13 MR. CASTLE: What I'm trying to show is
14 that he claims that 14 different people confessed to
15 him about murders. And then I'd like to show the
16 jury how none of the people are -- or very few of
17 the people that he's talking about are in the
18 locations he said they were on the dates of these
19 alleged confessions.

20 THE COURT: Well, I don't think you've set
21 up in the courtroom yet to impeach his statement, so
22 I think you're going to have to ask him that before
23 you read the statements from 302s.

24 BY MR. CASTLE:

25 Q. Did Freddie Munoz confess a murder to you

1 in PNM in 2008?

2 A. Yes.

3 Q. And you said you were a neighbor of his in
4 PNM?

5 MS. ARMIJO: Objection, hearsay.

6 Q. I'm sorry. When that confession happened,
7 you were a neighbor of his at PNM?

8 A. Yes.

9 Q. And that's what you said?

10 A. Yes.

11 Q. He wasn't a neighbor of yours in PNM in
12 2008, was he?

13 A. Like I said, the dates -- I didn't keep
14 track of the dates. When I and he had these
15 conversations or any of the above had these
16 conversations, I wasn't there writing the date down.
17 But we were living in the same pod, we were going to
18 rec together in the same rec yards, and --

19 Q. Did you tell the FBI specific people who
20 told you a confession -- you told them a location
21 and a date; correct?

22 A. I didn't tell them the date. I said
23 locations.

24 Q. Okay.

25 A. I wasn't there saying dates.

1 Q. If I showed you a report --

2 A. I did not write those reports.

3 Q. Do you recall telling Agent Acee that the
4 confession that Freddie Munoz gave to you --

5 MS. ARMIJO: Objection, hearsay.

6 MR. CASTLE: At this point I'm impeaching.

7 THE COURT: I think he is impeaching at
8 this point. Overruled.

9 BY MR. CASTLE:

10 Q. The confession that Freddie Munoz gave to
11 you was when you were a neighbor of his at PNM in
12 2008. Do you recall that?

13 A. He was a neighbor --

14 Q. Do you recall saying that to the FBI, this
15 Agent Acee? Do you recall saying that?

16 A. Like I said, I didn't write the report. I
17 don't know what dates he wrote, or whatever.

18 Q. I'm asking what you said to him, sir. Do
19 you recall saying that to him?

20 A. Like I said, I told him that Frederico
21 Munoz told me about the work he put in.

22 Q. Okay. So the question is -- let's see if
23 we can follow it. Okay? Did you tell Agent Acee,
24 when you talked to him on October 30, 2015, that
25 this confession by Freddie Munoz was while he was a

1 neighbor at PNM in 2008? Yes or no?

2 A. Like I said, I don't -- I told him that --
3 I told him he said that, but I don't remember the
4 exact dates.

5 Q. Okay.

6 A. So that's all I'm saying.

7 Q. A bunch of people have confessed to you;
8 right? Is that right?

9 A. I've had a lot of people talk to me, a lot
10 of people --

11 Q. Including Gerald Archuleta has confessed a
12 murder to you; right?

13 MS. ARMIJO: Objection, hearsay. He's
14 saying the substance of the conversation.

15 THE COURT: Well, I think you've got to
16 watch the hearsay statements here if you're trying
17 to impeach him. But --

18 MR. CASTLE: I'm not offering it for the
19 truth, Your Honor. In fact, I don't think any of
20 these are true.

21 THE COURT: Well, but you haven't set up a
22 statement that needs to be impeached. You're just
23 reading from a statement. So I have to sustain.

24 BY MR. CASTLE:

25 Q. Well, you've claimed that 14 different

1 major people in the SNM have admitted to you
2 involvement in murders?

3 A. Yes, I did. And I did have those
4 conversations with them, and that's the truth.

5 Q. And if we look at their histories --

6 A. Okay, it's all -- writing the report.

7 Q. Let me finish the question. Okay? One of
8 the reasons the FBI asks you questions, right, and
9 they ask you places and dates is so they can vet
10 your information to see if it's accurate; right?

11 A. Correct.

12 Q. So every time when they talk to you
13 they're very particular about trying to say, look,
14 for example, who is with you when something is
15 happening; right?

16 A. Right.

17 Q. When it happened?

18 A. Correct.

19 Q. Where it happened?

20 A. Right.

21 Q. Why this person is confessing to you?

22 A. Correct.

23 Q. What your relationship is with them?

24 A. Yes.

25 Q. And they're taking notes when they do

1 that?

2 A. Right. No --

3 Q. They don't take notes?

4 A. Oh yeah, what I'm saying --

5 Q. That was the question. The question was:
6 Did they take notes?

7 A. Of course they take notes. They record
8 the conversations.

9 Q. Were you recorded?

10 A. I'm sure they do.

11 Q. Did you see a recorder?

12 A. Yeah.

13 Q. And they were recording a conversation
14 with you?

15 A. Different times, yes.

16 Q. Okay. I'm talking about this interview --
17 interviews with Billy Garcia.

18 A. I don't know about that one, but I'm just
19 saying --

20 Q. Okay. So when you first told this -- you
21 actually never told Ms. Armijo about that false
22 imprisonment conviction, did you?

23 A. It was never brought up.

24 Q. But you never told her about it; right?

25 A. That was never brought up.

1 Q. Right. So when she was asking the
2 question about your only conviction -- let me finish
3 the question. When she was asking you the only
4 convictions you have are convictions for
5 distribution, it was because that's all that you had
6 told her about; right?

7 A. To be honest with you, I forgot about it.

8 Q. False imprisonment of -- was it your wife?

9 MS. ARMIJO: Objection, 609.

10 MR. CASTLE: I'm trying to get to why he
11 would forget about --

12 THE COURT: I think just the general
13 conviction will do. So I'll allow if he wants to
14 testify on that. Overruled.

15 BY MR. CASTLE:

16 Q. Let's back up just a little bit. You were
17 originally charged with intimidation of a witness,
18 two counts, and then you pled guilty, pled it down
19 to false imprisonment of a person by the name of --
20 you intentionally confined or restrained Carmelita
21 Griego without her consent; is that right?

22 A. Yes.

23 Q. That's your last name as well? Griego?

24 A. Yes.

25 Q. You've been indicted by a grand jury;

1 correct?

2 A. Yes.

3 Q. And so when you testified under oath here
4 earlier that the only convictions you had were
5 related to distribution, that wasn't true; right?

6 A. I wasn't thinking about it.

7 Q. Okay. It wasn't true, though, was it?

8 A. Like I said, I wasn't thinking about it.

9 Q. Well, was it true or not?

10 A. Well, of course, it's not.

11 Q. So you weren't -- you didn't remember that
12 you had a conviction for which you're currently on
13 probation for; is that right? Is that what your
14 testimony is?

15 A. It was wrapped up with the probation
16 violation. It was basically a PV, and I pleaded
17 down to that.

18 Q. And you got probation?

19 A. I am on probation for the same 2001.

20 Q. You were actually charged with being a
21 habitual criminal on this intimidation case that got
22 pled down for false imprisonment; right?

23 A. Yes.

24 Q. And that carries a four-year mandatory
25 normally; right?

1 A. I'm not sure.

2 Q. You're not sure at all?

3 A. I'm not a lawyer. I don't know, sir.

4 Q. You had a lawyer; right? Did you have a
5 lawyer in that case?

6 A. Yes, sir, I did.

7 Q. And I'm sure when you see something that
8 says you're a habitual criminal, that concerns you;
9 right?

10 A. Yeah.

11 Q. I mean, you're a convict; right? Convicts
12 know what an habitual criminal carries; right? They
13 warn you about it. The authorities -- when you get
14 to the point -- to that level of felonies on your
15 record, one of the things they warn you about is:
16 Sir, if you commit another one, you're going to be
17 considered an habitual criminal, and you're going to
18 face enhanced or larger sentences; right?

19 A. Correct.

20 Q. And despite that, you got probation on it
21 all?

22 A. Correct.

23 Q. And you never told Ms. Armijo about that;
24 right?

25 A. No.

1 Q. And you didn't tell the FBI about it, did
2 you?

3 A. Like I said, I wasn't thinking about it.

4 Q. You had a contract with these folks;
5 right?

6 A. Yes.

7 Q. And you were getting money from them;
8 right?

9 A. Correct.

10 Q. And they told you if you committed crimes,
11 the tap of money would be turned off, didn't they?

12 A. I don't --

13 Q. Let's look at the contract. I want to
14 show you a document. I don't want you to read the
15 whole thing. We'd be here too long a time. But you
16 signed an agreement, and let's take a look at it.
17 Are those your initials --

18 A. Yes, sir.

19 Q. -- of the parties. One of the paragraphs,
20 "I've not been authorized to engage in any criminal
21 activity"?

22 A. Yes. What happened was, like, about a
23 year later --

24 Q. There's not a question right now. Okay.
25 Signed the 21st of April 2015; is that correct?

1 A. Correct.

2 Q. The rest of these documents -- are all
3 these different payments you had to sign off on;
4 right?

5 A. Correct.

6 Q. One of them here is for \$10,000. What's
7 that, December 17 of 2015; is that correct?

8 A. Correct.

9 Q. The total amount of money, cash that
10 you've gotten, is \$13,200?

11 A. I believe so.

12 Q. And do you recall -- I think right when
13 you started working for the FBI, you bought a really
14 nice new truck. Do you remember that?

15 A. No, I bought that truck out of an
16 inheritance.

17 Q. Okay. And whatever, it was a tricked-out
18 truck; right? Really nice stuff on the inside. It
19 was a custom paint job, things like that; right?

20 A. Yes.

21 Q. Tell the jury what you had painted on the
22 outside of the truck?

23 A. I had a Superman.

24 Q. S, right?

25 A. Superman S.

1 Q. And in fact, I think there is a recording,
2 a conversation you had with Gerald Archuleta, and
3 what you've said is that the S stands for the SNM.

4 A. I don't believe so.

5 Q. You don't believe that you said with him?

6 A. I'm not sure. I don't think so.

7 Q. So you had renounced in 2011, yet you're
8 going around with a truck with a big old S on it;
9 right?

10 A. Correct.

11 Q. How big is the S?

12 A. As big as the hood.

13 Q. The whole hood?

14 A. Yes, sir.

15 Q. You live here in New Mexico; right?

16 A. Yes.

17 Q. In an area where SNM people live?

18 A. Yes.

19 Q. And I think you've testified you're
20 afraid; right?

21 A. Correct.

22 Q. Here you are, after you've renounced your
23 membership, you're driving -- well, you claim to
24 have renounced your membership; right? In 2011,
25 you're out driving around with a big old truck with

1 the letter S on it; correct?

2 A. Correct.

3 Q. If someone claims to be an SNM member or
4 has outward symbols of the SNM, and they're not, and
5 they've renounced, what happens to them?

6 A. They get hit.

7 Q. Okay. You didn't renounce in 2011, did
8 you sir?

9 A. There is paperwork out on the streets of
10 me. I get death threats. There is a hit on my head
11 for, like, \$17,000 cash. I get death, my life is
12 threatened and in danger all the time.

13 Q. I'm talking about in 2011, sir.

14 A. Of course, yes, I did.

15 Q. So in 2015, when you first got involved
16 with the FBI, they actually had you place some calls
17 with Gerald Archuleta?

18 A. Yes, they did.

19 Q. He's like a big jefe in the SNM; right?

20 A. Yes, sir.

21 Q. And you're talking to him about drug
22 deals; right?

23 A. Yes, sir.

24 Q. And you're talking about SNM business;
25 right?

1 A. Yes.

2 Q. And all this. How can that happen four
3 years after you renounced?

4 A. He trusted me.

5 Q. No, the reason the FBI trusted you to do
6 those calls is because they knew that you were still
7 considered part of the S in 2015.

8 A. I don't know about the FBI. But --

9 Q. You were a follower of Styx; right?

10 A. Yes.

11 Q. Both inside the prison and outside the
12 prison?

13 A. Yes.

14 Q. You supplied him drugs both inside and
15 outside the prison?

16 A. Yes.

17 Q. All the way up until the FBI came knocking
18 at your probation officer's door, yes?

19 A. No.

20 Q. Well, how could you get out a phone
21 call -- I mean, just explain to the jury, because
22 most of us have never -- I think probably all of us
23 have never placed a call to try to set up a drug
24 deal. Okay? So I want you to walk through it a
25 little bit. How does somebody call up an individual

1 who is in a gang you've renounced completely and
2 talk about a drug deal, especially if you're not
3 dealing drugs to that person at that time? How does
4 that happen?

5 A. Because they're all greedy. It's all
6 about drugs. They're greedy.

7 Q. Okay. And they're willing to even risk?

8 A. Yes, they were.

9 Q. Because a person who has renounced is on
10 the phone with them?

11 A. Yeah, agreed.

12 Q. Okay. So --

13 A. Everybody knew I was on the outs.

14 Q. All right. And you all know about
15 wiretaps; right?

16 A. Of course.

17 Q. And consensual monitoring?

18 A. Yes.

19 Q. You don't have to get a wiretap if one
20 person on the phone agrees to make the call on
21 behalf of the FBI. You know about that; right?

22 A. Yes.

23 Q. In fact, that's what you were doing with
24 Gerald Archuleta?

25 A. Yes, sir, I was.

1 Q. So what your story today here is that
2 everybody knew you were on the outs since 2011, at
3 least, and yet they're going to get on a phone call
4 with you and talk about drug deals.

5 A. Yes.

6 Q. Now, we have your STIU file. Do you know
7 that?

8 A. No.

9 Q. Okay. In your STIU file -- I think you
10 said on direct that you tried to get into RPP; is
11 that right?

12 A. Yes.

13 Q. Where is RPP?

14 A. Clayton.

15 Q. Let's see if you ever went to Clayton.
16 Let's pop up your movement history again. Or you
17 want to just -- you never went to Clayton; right?

18 A. I never went to Clayton. But I was in RPP
19 in Las Cruces. That's where it all began. That was
20 right where --

21 Q. The Southern New Mexico Correctional
22 Facility?

23 A. Yes.

24 Q. So when you start working for the FBI,
25 okay, you're saying at this point in time you're

1 four years removed from the SNM; right?

2 A. Correct.

3 Q. And you stop selling drugs; correct?

4 A. Correct.

5 Q. And yet you're able to make phone calls
6 for the FBI regarding the purchase of four
7 bulletproof vests?

8 A. Yes. My reputation exceeded me.

9 Q. Your reputation as a renouncer?

10 A. No, as a drug dealer.

11 Q. You had a bulletproof vest provider,
12 apparently? Is that something you --

13 A. Yes, that's what I purchased, yes.

14 Q. So you're kind of the guy that if you need
15 something that's illegal, you go to and you could
16 buy it?

17 A. Yes, people knew that I used -- that's
18 what all my charges were; I sold drugs, and I used
19 to be a big-time drug dealer and I just --

20 Q. Not all your charges; right? We've
21 already established not all your charges.

22 A. I'm sorry. I apologize. The false
23 imprisonment and traffickings. And I said that I
24 was going to get back in the game, and they were
25 more than willing.

1 Q. We have the tape recordings. You didn't
2 say you were getting back in the game, did you?

3 A. No.

4 Q. In fact, I think your first phone call
5 with Mr. Archuleta, you were saying in that call,
6 "Remember, I called you last week and we talked,"
7 and that's how it starts?

8 A. I had kept in touch with him.

9 Q. Okay. So you were just talking about,
10 let's say, New Mexico football?

11 A. Family, yeah. Football, too. Sports.

12 Q. But not drugs?

13 A. No, I hadn't been talking about drugs.

14 Q. And even though you've been talking to
15 him, talking to him, talking to him, all of a sudden
16 he --

17 A. Asking him how he was doing, how his
18 family was. He was my friend, also.

19 Q. So in 2011 are you saying that's when you
20 decided not to sell drugs anymore?

21 A. Yeah, I decided not to sell drugs.

22 Q. You haven't sold any drugs since 2011;
23 right?

24 A. Right.

25 Q. And you've gotten away from drugs

1 completely since then?

2 A. Yes.

3 Q. Well, you're on probation right now and
4 you've had probation violations filed because of hot
5 urinalysis. Do you recall that?

6 A. I have not. I have one drug -- one dirty
7 UA in four years.

8 Q. One dirty UA for what substance?

9 A. Cocaine.

10 Q. Okay.

11 A. And I didn't use.

12 Q. Hold on. Hold on. You already told the
13 jury you forgot about the false imprisonment. Is
14 this another thing you forgot, that you'd had
15 cocaine, when you were testifying just a few minutes
16 ago that you haven't had anything to do with drugs
17 since 2011?

18 A. I said drug dealing.

19 Q. No, I asked you then drugs. I said first
20 drug dealing, then I said drugs.

21 A. I'm sorry, I must have misunderstood you,
22 sir.

23 Q. Now, when you talked to Gerald
24 Archuleta -- and you kind of use a lot of, like,
25 current terminology and kind of slogans and slang

1 for drugs; right? You don't just come out and say,
2 "Hey, let's do a deal for X ounces of heroin or
3 cocaine"; right? You use slang; right?

4 A. I don't remember.

5 Q. Well, would you ever get on the phone
6 call -- you've been in the drug dealing business at
7 least -- you admitted for many years; right? You
8 don't get the phone calls and say, "Hello, Gerald.
9 Do you want to buy four ounces of heroin?"

10 A. Well, actually, I knew the FBI was tapping
11 my phone, so I think I did say something like that.

12 Q. Okay. You didn't use any slang?

13 A. I don't think I did.

14 Q. Okay. So you just said it like that
15 because Gerald would be thinking, hmmm, a guy is
16 calling me up, kind of infamous drug dealer, and
17 he's using the words "heroin" and "ounces" on the
18 phone?

19 A. Like I said, I don't remember the
20 conversation.

21 Q. Well, let's talk about -- you are kind of
22 an expert on drug dealing; right? You've done it
23 for a long time inside the prison and outside.

24 A. I'm not saying I am, sir. Obviously, I'm
25 not. I got caught three times.

1 Q. That's just because maybe the people you
2 sold to weren't all that smart, huh?

3 A. Some of them.

4 Q. Right. So in any event, do drug dealers
5 use slang words when they sell drugs, talk about
6 drugs over a phone?

7 A. I'm sure they do.

8 Q. Did you?

9 A. I don't know which time you're talking
10 about.

11 Q. Did you use to, back in the day, use slang
12 words?

13 A. Back in the day? You need be more
14 specific, sir.

15 Q. When you were a drug dealer, whatever.

16 A. Whatever.

17 Q. Did you use slang words?

18 A. Like a long time ago? You've got be more
19 specific, sir.

20 Q. Okay. Was there a period of time where
21 you were dealing drugs that you used slang words?

22 A. Yes, sir.

23 Q. When?

24 A. I don't know. You just asked me.

25 Q. I'm asking you when it would have been

1 that you would have used slang words.

2 A. Selling drugs.

3 Q. All the time?

4 A. All the time what?

5 Q. Okay. Let's start back. Give us a time
6 range when you were selling drugs. Between what
7 years?

8 A. 1998.

9 Q. Until?

10 A. 2001.

11 Q. 2001?

12 A. Yes.

13 Q. I thought you sold drugs in prison all the
14 way up. Are you saying you stopped selling in 2001
15 now?

16 A. I didn't say nothing. You said give me a
17 timeframe. I just told you '98 to 2001. Did you
18 ask for a specific timeframe, sir?

19 Q. Okay. That's a timeframe you're using.
20 Okay. So you start in 1998 and to the best of your
21 memory, you stopped selling in 2001?

22 A. I didn't say I stopped.

23 Q. When did you first start selling drugs?
24 Break it down.

25 A. 1998.

1 Q. When did you stop selling drugs?

2 A. Like 2009.

3 Q. So now it's 2009; right? Okay. So 2001
4 to 2009, you're selling drugs. During that
5 timeframe did you use slang terms for drugs?

6 A. Yes, sir.

7 Q. And over time, those slang words change
8 for drugs; right?

9 A. I'm sure they -- they pretty much did --

10 Q. Well, over time, different?

11 A. Pretty much stayed the same.

12 Q. They changed because drug dealers --

13 A. They pretty much stay the same.

14 Q. Let me finish the sentence. Okay? It's
15 pretty hard for this woman over here who's typing
16 everything down to type both of us talking at the
17 same time. It's really hard for people to listen
18 when they hear two people talk.

19 Okay. So when you're dealing with drugs
20 over the phone, you change the names constantly in
21 case someone is listening in on the calls so they
22 won't know what you're talking about; right?

23 A. You're telling me or --

24 Q. I'm asking you: Is that what happens?

25 A. No.

1 Q. You guys always use the same terms, so if
2 the FBI is listening in, they'll know exactly what
3 you're doing?

4 A. It varies.

5 Q. Well, in any event, in 2015, even though
6 you say you've been out of drug dealing for six
7 years, you were using the slang of the day in trying
8 to make a deal with Gerald Archuleta; right? How
9 many people got busted in your drug-dealing work for
10 the FBI?

11 A. Two.

12 Q. Two. And who were they?

13 A. Two or three. Acosta and Martinez.

14 Q. What was Martinez' first name?

15 A. Matthew.

16 Q. And that's also the guy that I think you
17 sold bulletproof vests to; right?

18 A. Bought.

19 Q. I'm sorry, bought. Now, let me talk to
20 you a little bit about this letter they sent out to
21 you; right? That was intercepted by the FBI. Do
22 you recall that?

23 A. Yes, sir.

24 Q. And the FBI -- did they show the letter to
25 you?

1 A. Yes, I got -- I saw it briefly.

2 Q. So the letter was -- who was it from?

3 A. I believe it was from Baby Rob.

4 Q. Do you recall it was from Roy Shadow
5 Martinez, Roy Martinez?

6 A. I believe that was another letter, but I'm
7 not sure.

8 Q. Okay. So yours was from Baby Rob; right?

9 A. Yes.

10 Q. Tell the jury what it said?

11 A. I don't remember.

12 Q. Generally.

13 A. I don't remember. I briefly saw it.

14 Q. Well, generally what it basically was,
15 it's time for you put in some work for the S. Do
16 this, kill these people, essentially, or you're
17 going to be in bad standing with them.

18 MS. ARMIJO: Objection, hearsay.

19 THE COURT: These are orders. I'll allow
20 this. Overruled.

21 BY MR. CASTLE:

22 Q. Do you recall it basically being something
23 like that?

24 A. No, sir.

25 Q. Okay. We'll get the document for you

1 here. This was the letter that was sent to you, and
2 I want to show it to you. It's from PNM, from
3 Robert Martinez to Sammy Griego at an address you
4 lived at; right? I don't want to state the address.

5 A. Yes, sir.

6 Q. So somehow, even though you'd been out of
7 the S for six years, this gentleman, who was a
8 high-ranking member of the SNM, had your name and
9 your address; right? Knew where you currently
10 lived; right?

11 A. My address has been the same my whole
12 life.

13 Q. No, it's been at different prisons.

14 A. That's my grandma's.

15 Q. Various prisons?

16 A. Oh, so if I gave my address one time,
17 you'd have my address forever.

18 Q. Hold on. Just -- okay. He's talking to
19 you about SNM business and wants you to basically
20 carry out this murder for them; right?

21 A. Um-hum. May I read that?

22 Q. Yeah, please do.

23 A. "It's been a while," he says --

24 Q. Don't read it out loud. Read it to
25 yourself.

1 A. Oh. Sorry about that.

2 Q. Do you see that?

3 A. Yeah.

4 Q. What was the date of that letter?

5 A. 3/2015.

6 Q. Okay. And so this one -- basically he's
7 writing some letters to you, or writing a letter to
8 you; correct?

9 A. Right.

10 Q. Then he writes a second letter to you on
11 April 6, 2015, in which Robert Martinez -- and I'm
12 not offering this for the truth -- but say they're
13 going to give you another opportunity to show your
14 loyalty to the SNM.

15 MS. ARMIJO: Objection, hearsay.

16 MR. CASTLE: I'm not offering it for that,
17 Your Honor. He said here today he wasn't a member
18 of SNM since 2011.

19 THE COURT: I think it's permitted.
20 Overruled.

21 BY MR. CASTLE:

22 Q. In which he's asking you to take out Gregg
23 Marcantel and Dwayne Santistevan, and that they were
24 giving you flexibility to work out the details; is
25 that right?

1 A. What was the question, sir?

2 Q. You got a second letter that was going to
3 be sent to you that was intercepted by Robert -- by
4 the FBI and the Department of Corrections; is that
5 right?

6 A. So there was two letters?

7 Q. Correct.

8 A. There was two letters.

9 Q. And the FBI showed it to you; right?

10 A. I only saw one letter, sir.

11 Q. Okay. In any event, here's the leaders of
12 the SNM reaching out to you to kill two people for
13 them, even though, according to your testimony,
14 everyone in the S and everyone in the business knew
15 you had renounced and that you weren't in the
16 business anymore.

17 A. The letter starts off by saying, "It's
18 been a while since I've spoken to you."

19 Q. They're going to send out a letter about a
20 murder plot to kill two corrections officers to
21 someone who has already switched sides and said
22 they're going to work with Corrections. That's what
23 RPP means; right?

24 A. Right. And everybody knew I was in the
25 program.

1 Q. Now, the reason they even sent out for you
2 is because you were still representing the SNM with
3 your Superman-labeled car in 2015. Yes or no?

4 A. No.

5 Q. Okay.

6 MR. CASTLE: If I could have a moment,
7 Judge?

8 THE COURT: You may.

9 MR. CASTLE: No other questions, Your
10 Honor.

11 THE COURT: Why don't you approach just a
12 second?

13 (The following proceedings were held at
14 the bench.)

15 THE COURT: I wanted to make sure I
16 understand on this conviction where you're wanting
17 to get into the facts. What were the -- and I'm
18 using the words I remember you said. If I get them
19 wrong, let me know. But you were saying that Mr.
20 Griego faced some really serious charges. Did they
21 get pled down to false imprisonment?

22 MR. CASTLE: Yes. The grand jury
23 indictment was intimidation of a witness -- two
24 counts of intimidation of a witness. I believe
25 there is a second page. Aggravated battery against

1 a household member, two counts. And then it was
2 pled down to false imprisonment on or about the 14th
3 day of September 2016. I have a copy of the
4 judgment and conviction.

5 MR. BLACKBURN: I think there was a plea
6 agreement that had habitual.

7 MR. CASTLE: I don't have it right here in
8 front of me, but he originally had -- was indicted
9 on a habitual.

10 THE COURT: How are you tying it -- I'm
11 trying to think if there is some other purpose
12 besides, you know, given the facts under 608 that
13 you got with the conviction, and if I understood
14 what you were saying, he was giving law enforcement
15 false information, incriminating other people, such
16 as Billy Garcia. Explain that to me so I can
17 understand what your theory is.

18 MR. CASTLE: I don't want to get into the
19 facts of the underlying -- are you talking about the
20 false imprisonment conviction?

21 THE COURT: Right.

22 MR. CASTLE: I'm no longer asking to
23 pursue that, Your Honor, but I think other counsel
24 might want to.

25 THE COURT: Tell me what the theory is.

1 How did he trade the more serious charges for a
2 lesser charge by incriminating other people such as
3 Billy Garcia?

4 MR. CASTLE: I don't know that he did or
5 didn't.

6 THE COURT: Okay. That's not your theory?
7 My misunderstanding.

8 MR. CASTLE: What I said was: He didn't
9 tell Ms. Armijo or she wouldn't have asked that
10 question. I don't know if the Court heard me. "You
11 didn't tell her about this conviction. You didn't
12 tell the FBI about this conviction."

13 THE COURT: You're just using this
14 conviction to impeach him for truthfulness.

15 MR. CASTLE: Truthfulness and the
16 violation of his FBI contract. I do not have any
17 evidence -- I trust Ms. Armijo's representation. I
18 also looked. We tried to get a copy of his plea
19 transcript. We got the audio today.

20 THE COURT: You don't have another purpose
21 you're trying to get the details and facts in?

22 MR. CASTLE: I may. I don't know if I'm
23 going to do this or not, but on the criminal
24 complaint, he -- it says that he pled down. It was
25 intimidation of a witness and refusing to allow his

1 wife to leave to go report this to law enforcement.
2 So I mean, there is a connection there and I think
3 she says he was at the house for three weeks,
4 stabbing the bed and looking underneath the trailer
5 to see if another man was sleeping with her. And he
6 kept her there -- she went to take her kid to leave,
7 and he intimidated her and wouldn't let her call the
8 police. So they pled it down. So there was that
9 connection there, but I don't know if I'm going to
10 go into it.

11 THE COURT: I guess I just wanted to make
12 sure there wasn't some other purpose here. If it
13 was strictly to challenge his truthfulness, I think
14 we got the right line.

15 MR. CASTLE: I have to say, I was really
16 interested in what he said on direct. I heard
17 Ms. Armijo say the only thing he had convictions of
18 are for distribution. It kind of solidified in my
19 mind that obviously they didn't know about this.

20 MR. BLACKBURN: They would have brought it
21 up.

22 THE COURT: All right. I think we're on
23 the right line.

24 (The following proceedings were held in
25 open court.)

1 THE COURT: All right. Thank you,
2 Mr. Castle.

3 Who else has cross-examination of Mr.
4 Griego?

5 Mr. Solis, do you have cross-examination?

6 CROSS-EXAMINATION

7 BY MR. SOLIS:

8 Q. So you are a ladies' man and a paid
9 witness, and you bought drugs from the FBI, and you
10 call yourself Sleazy. Who does that?

11 A. Who?

12 Q. I mean, would you trust you? I mean,
13 think about it. You're a paid witness, to the tune
14 of \$15,000 and counting, probably; correct? Is that
15 right?

16 A. Correct.

17 Q. All right. And you call yourself a
18 ladies' man. You don't disclose to your handlers
19 your convictions, the very people who have endorsed
20 you and paid you money to come here and tell the
21 jury what you know. You call yourself Sleazy. You
22 even misrepresent yourself as an informant in a drug
23 buy, because, think about it, you've got to be
24 two-faced to deal drugs with your associates and
25 have them trust you, and come back and say, "Look,

1 FBI, this is what I did for you." So you have to
2 ingratiate yourself with the FBI, get them to pat
3 you on the back and say, "Attaboy" --

4 A. Is there a question?

5 THE COURT: Mr. Solis, let's ask a
6 question.

7 MS. ARMIJO: Objection, Your Honor.

8 BY MR. SOLIS:

9 Q. Would you trust you?

10 A. Obviously, they did.

11 Q. I'm asking you.

12 A. Yeah.

13 Q. Okay. So I know that this is getting
14 tiresome for the jury, but we have to do this. You
15 understand that right, Mr. Griego? Do you
16 understand that? When you say in response to Mr.
17 Castle's questions -- well, this is becoming a theme
18 now: "Well, the FBI must have got it wrong. Oh,
19 they must have misunderstood." You said that four
20 times.

21 A. I said I didn't write the report.

22 Q. I understand that. I understand you said
23 that, too. And as I said, the FBI must have got it
24 wrong. You said that several times, didn't you?

25 A. No, I don't think I did.

1 Q. Okay. The jury will remember what you
2 said. I suppose the very FBI handlers you've got,
3 you're suggesting to the jury, are just very sloppy.

4 Is that your position?

5 A. Is that a question?

6 Q. That's a question.

7 A. What's --

8 Q. Is that your position, that the FBI
9 handlers handling you are sloppy?

10 A. No, I don't think they are.

11 Q. Okay. They just happened to get it wrong
12 or misunderstood the times you indicated that
13 information that someone somehow is memorializing
14 incorrectly. Is that your position, too? Do you
15 understand we're not here on some DUI or on some
16 shoplifting case. Do you understand these men were
17 facing the death penalty? Do you understand that?

18 A. Yes, sir.

19 Q. So what do you mean, they must have got it
20 wrong or they must have misunderstood? This is
21 serious business here. Do you understand that?

22 A. Is that a question?

23 Q. That is a question. Do you understand
24 that?

25 A. I don't feel like you're asking me a

1 question.

2 Q. Do you understand that?

3 A. Yes, sir, I understand.

4 Q. Okay. Now, also getting tiresome, but
5 necessary, Mr. Griego is the following: Did you say
6 that -- well, let me ask you this question. What is
7 the total time you have worked as an informant or in
8 some capacity for the FBI?

9 A. I don't know. I don't keep track.

10 Q. Yeah, you do know. Come on, how much?
11 How long?

12 A. I don't know. I don't keep track.

13 Q. A couple of months?

14 A. I worked with them for about maybe six
15 months to a year.

16 Q. Six months to a year. Was it two or three
17 years?

18 A. No.

19 Q. It was six months to a year. So you do
20 know?

21 A. Like I said, I don't know the exact time.

22 Q. Well, see, that's what I'm asking you.
23 Would you trust you? Right now you said, "I don't
24 know," and now you're saying six months to a year.
25 And I ask you again. You say, "I don't know."

1 Which is it, Mr. Griego?

2 A. What kind of question is that, sir?

3 Q. I'm asking you: Do you remember exactly?

4 A. I said yes, I would trust myself.

5 Q. Okay. So how long was it exactly?

6 A. I don't know. About six months to a year.

7 Q. Six months to a year. All right. Do you
8 know what year this is, Mr. Griego?

9 A. It's 2018.

10 Q. All right. So six months would put us
11 right about December or November 2017. A year would
12 put us right around -- what is it -- May of 2017; is
13 that correct?

14 A. Right.

15 Q. A year is May of last year; right? A year
16 ago, in May of last year. It's not a difficult
17 question, Mr. Griego; is that right?

18 A. Yeah.

19 Q. Six months ago is about November or so.
20 Is that about right?

21 A. I said I worked with them for about six
22 months or a year. Not six months or a year ago.

23 Q. Okay.

24 A. You're good at twisting my words up.

25 Q. I'm simply asking questions and I'm asking

1 you to answer. Okay? How long total did you work
2 for the FBI? How long?

3 A. Maybe about six months or a year.

4 Q. Okay. That's a total time?

5 A. Yes.

6 Q. When did it start?

7 A. I don't remember.

8 Q. You don't remember?

9 A. I don't remember. Like I told you, I
10 don't remember what day they came into the office.

11 Q. Well, was it like six months ago?

12 MS. ARMIJO: Objection, asked and
13 answered.

14 THE COURT: Let's maybe move on. I don't
15 think he's going to be more precise.

16 BY MR. SOLIS:

17 Q. Well, the point is this. At the very
18 least, we have four 302s and I think the jury is
19 familiar now with what a 302 is. And those are
20 dated, sir, October 30, 2015; April 21, 2015;
21 January 4th, 2016; and then a final one I'll talk
22 about in just a moment.

23 THE COURT: Let's do this. Let's take
24 these up tomorrow, Mr. Solis.

25 MR. SOLIS: We will, Your Honor.

1 THE COURT: Thank you for your hard work.
2 We'll see you in the morning. Y'all be safe in your
3 travels. Thank you for all you're doing for us.

4 All rise.

5 (The jury left the courtroom.)

6 THE COURT: One quick thing,
7 Mr. Blackburn. Jed Glazener will be appointed as of
8 today, and I'm assuming he's going to accept. So if
9 you'll make sure that's the case.

10 MR. BLACKBURN: I will.

11 THE COURT: And then his former attorney
12 Cody Rogers, has been terminated, so she's out of
13 the picture.

14 MR. BLACKBURN: I will let him know
15 tonight.

16 THE COURT: If you'll check with him and
17 make sure he's comfortable and then maybe we can
18 move on.

19 All right. Appreciate your hard work.

20 MR. BENJAMIN: Your Honor, may I have 30
21 seconds on something I filed today? They disclosed
22 a document to me two years ago that I didn't notice,
23 and in my motion I represented three days ago.
24 Essentially they disclosed it.

25 THE COURT: What motion?

1 MR. BENJAMIN: Mr. Beck filed a motion in
2 limine this morning. We filed a response to that
3 today, Your Honor.
4
5

6 May 11, 2018

7 THE COURT: All right. Good morning,
8 everyone. It looks like we have all the defendants
9 in the courtroom and an attorney for each one of the
10 defendants.

11 Mr. Davidson, let me ask you a quick
12 question. In looking at your two supplements on
13 this accomplice, what I had suggested was one on
14 accomplices, informants, immunization, and then one
15 on co-defendants. It looks like you first edited
16 co-defendants and then decided to scrap it. So you
17 want one that has accomplices, informants, and
18 immunity, and that's it; right? So we collapse two
19 into one, and then rewrite the one, is what you're
20 asking for; is that right?

21 MR. DAVIDSON: Yes, Your Honor.

22 THE COURT: Okay. All right. Built into
23 next week's schedule, I have a judges' meeting on
24 Thursday, May 17. I've gotten the chief to move it
25 to lunch, so it will be our lunch. Typically those

1 things last an hour and a half, so I'm going to try
2 to see if I can just get the agenda and only be
3 available in that hour, and then ask the chief if
4 he'll move everything to that hour. So I'm hoping
5 it will not drift over on either side.

6 But we need to probably think a little bit
7 about -- I do need to be there. Since I'm not up in
8 Albuquerque, I don't want them to move my furniture
9 and discharge me up there, not knowing where I am.
10 So I think it would it be wise if I attended. I'll
11 probably be attending by phone, but we'll just need
12 to build that in.

13 The jurors have requested no more lunch
14 trucks or food trucks. That made the afternoon for
15 them so long that for planning purposes, I think
16 they like to work through the lunch hour and take a
17 shorter afternoon. So sorry, Mr. Lahann, you'll
18 have to --

19 MR. LAHANN: I'm starting to agree,
20 though, Judge, this last Wednesday.

21 THE COURT: All right. Mr. Beck, it looks
22 like you have something for me.

23 MR. BECK: Yes, Your Honor. There is the
24 609 B motion there on Michael Jaramillo.

25 THE COURT: Yeah, I'm looking at your

1 response right now. We're working on it.

2 MR. BECK: I figured. Along those same
3 lines --

4 THE COURT: He doesn't look like he's
5 coming up today; right?

6 MR. BECK: I think he's coming up Monday.
7 Along those same lines, Gerald Archuleta has 1988
8 and 1986 convictions that fall outside of that
9 10-year window, and the United States believes that
10 609 B precludes admission of the convictions or
11 evidence. And so I would ask that the Court exclude
12 those or mention of those convictions. And so I
13 intended to bring him in, but in the interests of
14 time, I thought if they're going to stay out under
15 609, that we just move past that. But I just want
16 everybody to be on the same page or else I will get
17 into them. So I will alert the Court and the
18 parties to that issue.

19 THE COURT: Let me read your response and
20 I'll try to give you an answer when we have a
21 chance.

22 MR. SOLIS: Your Honor, I have one thing
23 to address, too.

24 THE COURT: Well, let's bring the jury in
25 and if you need to approach, you can.

1 All rise..

2 (The jury entered the courtroom.)

3 THE COURT: Everyone be seated.

4 All right, Mr. Castle, do you need to
5 speak before we move on with Mr. Griego?

6 MR. CASTLE: No.

7 MR. BECK: I think we probably should
8 approach quickly.

9 THE COURT: All right. Mr. Solis.

10 (The following proceedings were held at
11 the bench.)

12 MR. BECK: I think we're tracking down our
13 witness at the current time, so I figured it was an
14 expedient time, if you've got something.

15 MR. SOLIS: Well, I do have something, but
16 not with regard to this witness.

17 THE COURT: If he disappeared, would you
18 care?

19 MR. SOLIS: No, I wouldn't care. But I do
20 want to make another witness disappear, and that
21 would be witness Cupit. And I had some issues to
22 address with the Court with that.

23 It's basically a 403 request, Your Honor,
24 so the danger here is that I understand that they're
25 going to bring in racketeering-type evidence,

1 essentially the phone calls and the Suboxone at the
2 jail. And if you track the language of 403, I think
3 all those elements are apt in this particular case:
4 Undue prejudice, undue delay; all those are
5 applicable here because the Court has had some
6 concern about the length of the trial. And my
7 concern is with the dubious character of the
8 witnesses that the jury is apt to probably convict
9 on just hearing that evidence; that is, the
10 drugs-at-the-jail type evidence.

11 So that's my concern. I had some
12 authority I was ready to read off. I don't have it
13 here with me. I left it at the desk. But that's a
14 real concern, I think, that the jury may have some
15 real doubts to the point of reasonable doubt as to
16 the murders, but then convict because they hear the
17 stuff about the drugs, and so they've already had
18 plenty of racketeering evidence in. The record is
19 replete with that type of evidence. So I think it's
20 cumulative, causes undue delay, and so we're asking
21 the Court to exclude that testimony. If the Court
22 allows it, I would ask the Court to fashion some
23 sort of limiting instruction that it's not murder
24 evidence, essentially.

25 MR. CASTLE: Since we're here --

1 THE COURT: Let Mr. Castellano respond.

2 MR. CASTELLANO: The response is that it's
3 racketeering evidence; drug trafficking is included
4 in racketeering, covered by the racketeering
5 statute. The other part of what we have to prove is
6 the ongoing nature of the enterprise. So the
7 defense has argued that this is a crumbling
8 enterprise and on its way out the door, but even as
9 we approached the trial, there was still ongoing
10 activity. So I think it would meet at least two
11 criteria or at least two elements that we would have
12 to prove to the jury.

13 THE COURT: How many tapes are you
14 intending to play with Cupit?

15 MR. ARMIJO: Various calls, I think in
16 total, it's probably less than 10 minutes. I
17 believe -- I'll calculate it out, Your Honor.

18 THE COURT: Give me the number and let me
19 think about it.

20 MR. SOLIS: I'll get some authority.

21 THE COURT: It's a pretty small snippet.

22 MR. SOLIS: It's not the length of the
23 calls that's my concern. My concern obviously is
24 all evidence is prejudicial. That's the whole
25 purpose of presenting it. But that it's unduly

1 prejudicial is my real concern here for the reasons
2 I explained on the record, that the jury may convict
3 on murder based on these calls, and that's my real
4 concern.

5 THE COURT: Let me think about it. All
6 it's really for is drugs. We sure have been
7 saturated with drugs.

8 MR. SOLIS: Right. That's my point. The
9 record is replete with racketeering drug evidence
10 again and again and again.

11 MR. ARMIJO: But not as to Christopher
12 Chavez, whereas Mr. Billy Garcia raises his hand,
13 and I don't think they're going to stand up and say
14 he's not a member of the SNM. I don't think the
15 evidence has been specific as to Christopher Chavez,
16 and his incident is in 2001, and this shows his
17 continuing activity. So unless there is a
18 stipulation that he's an SNM member and he's
19 involved in racketeering activities, this is
20 specific as to him, and that's why it's important.
21 It's not just a general, "Oh, yeah, I do drugs and
22 else." It's very specific, and I don't think that
23 we have a stipulation as to that.

24 MR. SOLIS: Has there been a global
25 stipulation by defendants?

1 THE COURT: No. Are you still looking for
2 your witness?

3 MR. BECKER: I'm not. Bryan Acee is.

4 MR. CASTLE: He's faster than a speeding
5 bullet, Your Honor.

6 THE COURT: Anybody want to take bets.

7 (Cross-talk.)

8 MR. CASTLE: Gerald Archuleta's prior
9 conviction -- he's currently serving a sentence in
10 which those '86 and '89 felonies were used as
11 habitual criminal sentence enhancements. So it's
12 our argument he is actually currently serving a
13 sentence that in part is based upon those prior
14 events. And one is involving the murder of his wife
15 that I think the Court heard about in the first
16 trial.

17 THE COURT: All right. Let me give that
18 some thought. Let me finish reading the one from --

19 MR. BECKER: He's not currently serving.
20 He was out in 2011, but he was enhanced. But I
21 think if you take an enhancement under the habitual
22 offender act, still serving the first sentence, then
23 it sort of vitiates the purpose of 609-B and why we
24 have sort of stale convictions.

25 THE COURT: All right. Let me think about

1 that. Y'all just approach on that before you get
2 into it.

3 (The following proceedings were held in
4 open court.)

5 THE COURT: Well, good morning, ladies and
6 gentlemen. Nothing like a good old bench conference
7 to start off the day.

8 Mr. Shattuck tells a charming story about
9 a trial he just had up in Albuquerque, and they were
10 having a bench trial, and one of the jurors raised
11 her hand and said, "Judge, we can't hear anything
12 while you've got that noise machine on."

13 So I don't know. I don't know if you'd
14 prefer to have the noise or not have the noise. I
15 don't know. It's hard to say.

16 Well, good Friday morning to you. Glad
17 you're in here and I appreciate all you've done for
18 us. We'll try to get a good day's worth of work in
19 today.

20 All right, Mr. Griego, I'll remind you
21 that you're still under oath.

22 Mr. Solis, if you wish to continue
23 cross-examination of Mr. Griego, you may do so at
24 this time.

25 MR. SOLIS: May it please the Court, Your

1 Honor, thank you.

2 SAMMY GRIEGO,

3 after having been previously duly sworn under
4 oath, was questioned, and continued testifying
5 as follows:

6 CROSS-EXAMINATION

7 BY MR. SOLIS:

8 A. I wanted to apologize for being a little
9 late. I had to get my kid situated.

10 Q. Mr. Griego, there is not a question on the
11 floor.

12 All right. So we're going to pick up
13 where we left off yesterday, Mr. Griego. So in
14 fulfilling your duties as an informant and a drug
15 purchaser for the FBI, you obviously had some
16 frequent contacts with your handlers; is that right,
17 Mr. Griego?

18 A. I wouldn't say that, sir.

19 Q. Okay. So the contacts were certainly to
20 where you built trust and confidence in having some
21 rapport with the FBI handlers, sir?

22 A. I could only speak for myself. I'm not
23 sure.

24 Q. I'm only asking you, no one else.

25 A. You're right. Saying the relationship I

1 built with them, like, I can say that I, you know --

2 Q. Okay. So you're not going to answer the
3 question?

4 A. I can only speak for myself, sir.

5 Q. I was only asking you.

6 A. I believe I did a good job for them.

7 Q. Okay. So there was some trust; right?
8 They trusted you, they had confidence in you to go
9 buy drugs?

10 A. Yes, sir.

11 Q. And in doing that, you had a free-flowing
12 rapport and relationship with the FBI?

13 A. I wouldn't say that.

14 Q. No? Well, can I show you -- well, first
15 off, in your cross-examination yesterday with
16 Mr. Castle, you are aware that when there are
17 contacts with the FBI, there are reports drafted,
18 what we call 302s, the jury has become familiar with
19 302s. You're familiar with that?

20 A. Now I am.

21 Q. So when these 302s are drafted, they're
22 dated. Do you understand that?

23 A. Yes, sir.

24 Q. Do you understand that?

25 A. Yes.

1 Q. So October 30, 2015, is one date that I'm
2 familiar with as a result of a 302. Would you agree
3 with me that October 30, 2015, is past or longer
4 than six months?

5 A. Yes, sir.

6 Q. And longer than a year?

7 A. Yes, sir.

8 Q. So would you agree with me also that that
9 is inconsistency number 1? Yesterday you said you
10 had a relationship for six months or a year, but
11 here you're agreeing that it was October 30, 2015,
12 when you had contact with the FBI. Would you agree
13 with me that's inconsistency number 1?

14 A. No.

15 Q. Okay. And in that October 30, 2015,
16 meeting, you talked about several murders. Do you
17 remember that?

18 A. Yes.

19 Q. Okay. And in that October 30, 2015,
20 conversation, meeting in person, you make no mention
21 whatever about Mr. Christopher Chavez; do you agree?

22 A. I'm not sure. I don't have the report. I
23 don't --

24 Q. Can I refresh your memory?

25 A. Sure.

1 Q. All right. 709.

2 A. What am I looking for, sir?

3 Q. You're going to refresh your memory as to
4 whether or not you discussed Christopher Chavez on
5 October 30 of 2015. You did not, did you?

6 A. I'm sure I did. Maybe he didn't put it in
7 the report.

8 Q. Oh, I see. It's not in the report again.
9 I'll tell you. All right. So then you had a
10 subsequent meeting on April 21 of 2015. Would you
11 agree with me that that is past and longer than six
12 months?

13 A. Yes.

14 Q. Would you agree with me that's past and
15 longer than a year?

16 A. Yes.

17 Q. Is that inconsistency number 2?

18 A. No.

19 Q. It's not?

20 A. I said I only talked to them for about a
21 year.

22 Q. Okay. And in that meeting or through that
23 contact with the FBI, with whom you had built an
24 easy rapport, again, you didn't discuss Christopher
25 Chavez; isn't that true?

1 A. I could have.

2 Q. Well, did you or didn't you?

3 A. I think I did.

4 Q. Can I refresh your memory?

5 MR. SOLIS: May I approach the witness?

6 THE COURT: You may.

7 BY MR. SOLIS:

8 Q. Again, refreshing your memory, you tell me
9 where you see Christopher Chavez mentioned in that
10 report -- or that 302, I should say.

11 A. It's not in this report.

12 Q. Because you didn't mention it. You didn't
13 talk about it; right?

14 A. Could have. Like I said, I didn't write
15 the report, sir.

16 Q. Yes. And then you had a subsequent
17 meeting to that, and that was January 4, 2016.
18 Would you agree with me that's past and longer than
19 six months?

20 A. Yes.

21 Q. And past and longer than a year ago?

22 A. Yes.

23 Q. So that's inconsistency number 3; right?

24 A. It's not inconsistent. You switched the
25 words up.

1 Q. All right. And here, again, absolutely no
2 mention with the FBI, with whom you had an easy and
3 casual relationship, purchasing drugs for them,
4 about Christopher Chavez, at all; correct?

5 A. That's not correct, sir.

6 Q. All right. Do you think you did?

7 A. Well, it's not easy and, like, real easy
8 going. That's some life-and-death things that
9 you're going through.

10 Q. All right. All right. So the question is
11 again --

12 A. It's not that easy, sir.

13 Q. I hear you. Again, on January 4, 2016,
14 you made no mention whatever about Christopher
15 Chavez to the FBI, did you?

16 A. Not on that day.

17 Q. Oh, so you remember that date that you
18 didn't?

19 A. No, I'm not saying, but it's not, no.

20 Q. I get it. So that's inconsistency number
21 3. We've reviewed that already; right? Now, before
22 we go on to the next, obviously here in the last few
23 weeks, you've been pretried; correct?

24 A. Yes.

25 Q. And so here the last few weeks and days,

1 you've been having meetings. Any competent lawyer,
2 any responsible lawyer, would have a pretrial
3 interview or pretrial preparation with the witness,
4 and you've had several of those in the last few of
5 weeks; correct?

6 A. I wouldn't say several.

7 Q. Okay. But you've had more than one; isn't
8 that right?

9 A. Maybe one or two.

10 Q. One or two. All right. So on March 20,
11 2018, you had yet another meeting. This is just two
12 weeks before trial. You had -- I suspect there were
13 other meetings subsequent to January 4, 2016. But
14 sir, you had one on March 20 of this year. Do you
15 remember that meeting?

16 A. Yes.

17 Q. And there you said something inconsistent
18 to what you testified to yesterday, didn't you?

19 A. I'm not --

20 Q. About Christopher Chavez? No?

21 A. No.

22 Q. All right. Now, lead counsel, Mr.
23 Granberg, in this case -- I had other business to
24 attend to in another court in another city
25 yesterday, and I made it back. But he indicates to

1 me your testimony yesterday was that Mr. Chavez told
2 you at the North, "I'm here for that incident with
3 Looney." That was your testimony yesterday; do you
4 remember?

5 A. I said, "I'm here for that viaje with
6 Looney."

7 Q. Right, and on March 20 of this year you
8 said something entirely different. Didn't you say
9 that Mr. Chavez told you, "They yanked us for that
10 muerte in Cruces." M-U-E-R-T-E. "Muerte" means
11 death; right?

12 A. Yeah.

13 Q. All right. And so that was your statement
14 on March 20, 2018, just two weeks before trial. Do
15 you remember?

16 A. Yes. I was very nervous yesterday.

17 Q. Um-hum. And so after that meeting, what
18 happened was after the March 20 meeting, isn't it
19 true that what happened was at the pretrials that
20 you had, they said, "Look, look, Sleazy, you can't
21 say that. Because they yanked a lot of people out
22 of there. Sleazy, you're going to have to change
23 it. You've got to do better than that, Sleazy.
24 We've got \$15,000 invested in you." And so you did.

25 A. No, sir.

1 Q. They said, Sleazy, you've got to do
2 better. And so you did. You mentioned Looney
3 yesterday, although you didn't mention it two weeks
4 before trial; isn't that true?

5 A. That's not -- I did mention it. I did say
6 so.

7 Q. So then what happened was, the FBI was
8 sloppy. What was your testimony with Mr. Castle?
9 "They must have got it wrong. They must have
10 misunderstood." Again and again you said that,
11 haven't you, sir?

12 A. That's about the South and the Southern
13 thing. People always mix that up.

14 Q. They mix it up. You had a tendency
15 yesterday, did you notice, sir, to answer Mr.
16 Castle's questions and then mine for a brief moment,
17 answer a question with a question. Did you notice
18 that?

19 A. Like what you're doing?

20 Q. Exactly my point. Did you see that? Do
21 you know the BAU?

22 A. I don't, sir.

23 Q. That's the Behavior Analysis Unit of the
24 FBI, and they believe answering a question with a
25 question is a sign of deception. Did you know that?

1 A. No, sir, I didn't.

2 Q. Well, I have to ask you: Do you believe
3 the Government is scraping the bottom of the barrel
4 with you as a witness?

5 MS. ARMIJO: Objection, improper question.

6 MR. SOLIS: That's totally proper, Your
7 Honor.

8 THE COURT: Overruled.

9 BY MR. SOLIS:

10 Q. Do you believe that? They're scraping the
11 bottom of the barrel with you as a witness. Do you
12 believe that?

13 A. No, sir, I don't.

14 Q. So there is more to come?

15 MR. SOLIS: I'll pass the witness.

16 THE COURT: Thank you, Mr. Solis.

17 MR. SOLIS: Thank you.

18 THE COURT: Ms. Harbour-Valdez, do you
19 have cross-examination of Mr. Griego?

20 MS. HARBOUR-VALDEZ: Just briefly, Your
21 Honor. As an initial matter, Your Honor, I would
22 move without objection Defendants' BP-2.

23 THE COURT: B as in boy and P as in
24 people?

25 MS. ARMIJO: No objection.

1 THE COURT: Any objection from anyone
2 else?

3 All right. Defendants' Exhibit BP-2 will
4 be admitted into evidence.

5 (Defendants' Exhibit BP-2 admitted.)

6 MS. HARBOUR-VALDEZ: Thank you, Your
7 Honor.

8 CROSS-EXAMINATION

9 BY MS. HARBOUR-VALDEZ:

10 Q. Mr. Griego, my recollection from yesterday
11 is that you were signed up as a confidential source
12 with the FBI in April of 2015; is that correct?

13 A. Yes, ma'am.

14 Q. And then you were closed as a confidential
15 informant in August of 2017; is that also correct?

16 A. I'm not sure, ma'am.

17 Q. Does that sound about right?

18 A. I don't know. I'd be lying if I said I
19 knew.

20 Q. And over the course of those two years, a
21 little over two years, for the FBI, we heard that
22 you gained -- received over \$15,000 in benefits;
23 correct?

24 A. Yes, ma'am.

25 Q. You did some stuff for them, you did some

1 buys, you set some people up; correct?

2 A. Yes, ma'am.

3 Q. But the biggest benefit you received was
4 that you weren't charged in that RICO indictment;
5 isn't that correct?

6 A. I don't even know if there was a case
7 against me or what, if there was charges filed
8 against me, or what. I don't know.

9 Q. But you told us that you'd done some
10 things for the SNM; correct? You dealt drugs?

11 A. Yes, ma'am.

12 Q. That falls within the RICO statute,
13 doesn't it?

14 A. Okay.

15 Q. You assaulted someone, Mr. Sanders, and
16 you said you did that on behalf of the SNM?

17 A. Yes.

18 Q. That would fall under the RICO Act. And
19 weren't you told that as long as you did what you
20 were supposed to do as an informant for the FBI, you
21 would not be charged in that indictment?

22 A. Yes, ma'am.

23 Q. Okay. Now, and you also told us that you
24 had at one point entered the RPP; is that correct?

25 A. Yes, ma'am, I had.

1 Q. And you actually started talking about
2 STIU officers as far back as 2010; isn't that also
3 true?

4 A. Yes.

5 Q. And during those initial conversations,
6 you never mentioned anything about Mr. Troup, did
7 you?

8 A. No, ma'am.

9 Q. And when you were going into the RPP
10 Program, you're given a questionnaire; right? And
11 you have to fill out certain things?

12 A. Yes, ma'am.

13 Q. You have to answer questions about your
14 involvement with the gang that you're trying to get
15 away from?

16 A. Right.

17 Q. You have to debrief?

18 A. Yes, ma'am.

19 Q. Provide info about everything you've ever
20 done? In none of those statements as far back as
21 2010, 2011 did you ever mention anything about Mr.
22 Troup?

23 A. No, ma'am, I didn't.

24 Q. In 2014 you didn't even talk about the hit
25 on Freddie Sanchez, did you?

1 A. No.

2 Q. And then in 2014 something happened. You
3 got kicked out of the RPP, didn't you?

4 A. No, ma'am.

5 Q. You didn't get kicked out for predatory
6 behavior?

7 A. No, ma'am, I didn't.

8 MS. HARBOUR-VALDEZ: Your Honor, may I
9 approach?

10 THE COURT: You may.

11 MS. HARBOUR-VALDEZ: It's Bates 30536,
12 Counsel.

13 BY MS. HARBOUR-VALDEZ:

14 Q. This is the memo that the STIU lieutenant
15 prepared. Do you see that?

16 A. Yes, ma'am.

17 Q. And do you see your name there? And do
18 you see, is that your inmate number?

19 A. Yes, ma'am.

20 Q. Okay. Just read that and see if that
21 refreshes your recollection about what happened.

22 A. I had no idea that this happened.

23 Q. You weren't moved to another pod shortly
24 after March 27, 2014?

25 A. Yeah, I was, but I wasn't told why.

1 Q. You weren't given a report for bulldogging
2 other inmates and taking their --

3 MS. ARMIJO: Objection as to hearsay.

4 A. No, ma'am, I wasn't.

5 THE COURT: I think it's a fair question.
6 Overruled.

7 MS. HARBOUR-VALDEZ: May I finish the
8 question?

9 THE COURT: You may.

10 BY MS. HARBOUR-VALDEZ:

11 Q. Were you removed for bulldogging other
12 inmates and taking their phone time?

13 A. I wasn't -- that wasn't told. I never got
14 a report anything like that.

15 Q. But you'll agree with me that that's what
16 this report says?

17 A. I just briefly read it.

18 Q. Do you want to read it again to make sure?

19 A. Yes.

20 Q. Is that what that report says, Mr. Griego?

21 A. Yes, ma'am. That's what it says, but I
22 never received a report.

23 Q. That's fine. You answered the question.
24 Thank you.

25 And then we've heard now about all the

1 times that you've met with the FBI and given
2 information in this case.

3 A. Yes, ma'am.

4 Q. Several times. And it wasn't until -- I
5 think October 15 was the first time you ever
6 mentioned my client's name. Does that sound right?

7 A. Yes, ma'am.

8 Q. But at no time in any of those early
9 reports did you ever say that he confessed to you.
10 Would you agree with that?

11 A. Yes, ma'am.

12 Q. It wasn't until two weeks before trial
13 when you had a telephone interview with an agent and
14 Ms. Armijo that you came up with this alleged
15 confession. Isn't that true?

16 A. That's not true.

17 Q. Do you want to see the report?

18 A. Well, we had talked about it previously.

19 Q. Oh, so they forgot to put it in again?

20 A. I don't write the reports, ma'am.

21 Q. All right. One final question, sir. I
22 think yesterday you told us you had a tattoo of your
23 nickname on your leg; is that correct?

24 A. Yes, I do, ma'am.

25 Q. Which leg is that?

1 A. My right leg.

2 Q. And you don't have one on your back?

3 A. No, ma'am.

4 MS. HARBOUR-VALDEZ: Your Honor, I'd like
5 to publish to the jury BP-2, please.

6 THE COURT: All right. You may.

7 BY MS. HARBOUR-VALDEZ:

8 Q. Mr. Griego, is that a picture of you? We
9 can zoom in on that?

10 A. That's a long time ago.

11 Q. Is that your back in that photo?

12 A. Yeah, my back is completely covered.

13 Q. Does that say Sleazy?

14 A. Yes.

15 MS. HARBOUR-VALDEZ: No further questions,
16 Your Honor.

17 THE COURT: Thank you, Ms. Harbour-Valdez.

18 Mr. Blackburn, do you have
19 cross-examination of Mr. Griego?

20 MR. BLACKBURN: Yes, Your Honor.

21 THE COURT: Mr. Blackburn.

22 CROSS-EXAMINATION

23 Q. Mr. Griego, you testified yesterday that
24 you were brought into the SNM by a gentleman by the
25 name of Alfred Griego; isn't that true?

1 A. No, sir.

2 Q. I mean Alfred Garcia. I'm sorry.

3 A. Right.

4 Q. And that was back in, what, 2001?

5 A. Yes, sir.

6 Q. All right. There have been some
7 discussions, I know, yesterday and today about you
8 having pretrial meetings and telephone conversations
9 with the Government. You remember those questions,
10 do you not?

11 A. Yes, sir.

12 Q. And you've met with the Government on --
13 as it relates to this trial coming up; you've met
14 with them on a few occasions, have you not?

15 A. Yes, sir.

16 Q. And just before -- here within the last
17 couple of days, you also met with them again, did
18 you not?

19 A. Yes.

20 Q. And they showed you certain documents, did
21 they not?

22 A. Yes.

23 Q. And one of the documents they showed you
24 was the letter that was discussed yesterday that
25 Arturo Garcia wrote to you; is that correct?

1 A. Yes.

2 Q. And you'd never seen that document for
3 several years, had you?

4 A. Right.

5 Q. And what did you go over with the
6 Government at that time? What to be able to testify
7 to over the next couple of days?

8 A. No, sir, just explaining the context of
9 the letter.

10 Q. Okay. So they were basically showing you
11 evidence that they were going to -- well, let me
12 back up. They told you what you were going to be
13 testifying to, did they not? The questions they
14 were going to be asking you and what the trial was
15 about; isn't that true?

16 A. Yes.

17 Q. And they were showing you certain
18 documents that they were indicating that may be
19 introduced at trial; is that true?

20 A. Yes.

21 Q. Including that letter; right?

22 A. Correct.

23 Q. Did they show you your criminal
24 convictions that you had from a number of years ago
25 and let you look at those to make sure that those

1 convictions were the same convictions that you
2 remember?

3 A. I saw a lot of documents, but I don't
4 remember seeing those documents, sir.

5 Q. And where did you meet with them at? At
6 this office out here, or across the street?

7 A. This little office right here.

8 Q. This little office right here. So they
9 sort of went over -- basically gave you, like, a
10 preview of what was going to happen and sort of went
11 through what was going to happen in the courtroom
12 over the next couple of days, did they not?

13 A. Briefly.

14 Q. And you did that again yesterday, did you
15 not? Before you got on the stand to testify?

16 A. There was a long day yesterday.

17 Q. Well, did they have to get you some
18 clothes yesterday also?

19 A. No, sir.

20 Q. You brought those clothes in; right?

21 A. Yes, sir.

22 Q. What does it say on your shirt that you
23 have there? Can I see what it says? "Everyone has
24 a plan until they get punched." Is that what that
25 says?

1 A. "Until they get punched in the mouth."

2 Q. So, you know, you've had a number of --
3 you've had, what, three convictions in your life as
4 it relates to trafficking in and of itself?

5 A. Yes.

6 Q. And all of those cases have been out of
7 Espanola; right?

8 A. Yes, sir.

9 Q. And I'm assuming that you have appeared in
10 court on a number of occasions, have you not?

11 A. Yes.

12 Q. You just appeared recently, in 2016, on a
13 case; right?

14 A. Yes.

15 Q. You had to appear in front of that judge
16 several times, did you not?

17 A. Yes, sir.

18 Q. She took a plea agreement, did she not?

19 A. I took a plea agreement?

20 Q. Yes.

21 A. Yes, sir, I did.

22 Q. So all those times that you have had to
23 appear in court, do you always dress like this?

24 A. I wasn't expecting to be here so long, and
25 I ran out of clothes.

1 Q. Couldn't you wear the clothes you had
2 yesterday? At least it was a coat and tie.

3 A. I spilled cheese all over it when I was
4 eating dinner. Just being truthful.

5 Q. All right. I'll move on. Some of the
6 questions that -- so basically, to a certain extent,
7 you knew all the questions that you thought that the
8 Government was going to ask you before you came in
9 here, did you not?

10 A. There was a lot going on, sir.

11 Q. Well, did you ask them -- did you have
12 conversations with them about: This may not be true
13 or this may be true; that never happened?

14 A. No, sir. I was just nervous about seeing
15 everybody again.

16 Q. All right. Is that because you thought
17 that -- well, was it because you thought that they
18 would remember you, or that they knew that you were
19 no longer in SNM?

20 A. Because this is -- this is hard.

21 Q. All right. Well, not only this is the
22 first time you've seen some of these guys, but it's
23 not like you've kept yourself hidden over the past
24 few years, have you?

25 A. Yes, I have.

1 Q. You have? All right. So when you were
2 signed up by the FBI to do undercover work for them,
3 they gave you recording devices, did they not?

4 A. Yes, sir, they did.

5 Q. And they gave you money; right?

6 A. Yes, sir.

7 Q. And they had you go out and set people up
8 to do drug buys, did they not?

9 A. Yes, sir.

10 Q. And I think you said you did a lot of drug
11 buys; right?

12 A. Yes, sir.

13 Q. You busted quite a few people?

14 A. I did, sir.

15 Q. Some of those individuals are being tried;
16 is that right?

17 A. Yes, sir.

18 Q. And you know that you're going to have to
19 testify in those cases; is that correct?

20 A. Yes, sir.

21 Q. And those just happened recently, did they
22 not?

23 A. Yes. And as soon as the discovery packets
24 came out, everybody started threatening my life.

25 Q. In those cases?

1 A. Yes.

2 Q. So you would think under the circumstances
3 you wouldn't be driving around Espanola with a big
4 old truck with an S on it, would you?

5 A. I haven't had that truck for more than two
6 years. I had to sell it to buy my house for my kids
7 and my family.

8 Q. Okay. The same kids and family that
9 relates to the conviction you got in 2016?

10 A. Yes, sir, that same family.

11 Q. Same family that she moved to divorce you?

12 A. Not yet, but --

13 Q. Not yet?

14 A. Probably.

15 Q. Okay. Well --

16 A. She's using drugs, and I'm raising my kids
17 by myself.

18 Q. So you're living in fear from all of those
19 issues? Is that what you're saying?

20 A. And I have two little -- I have a
21 two-and-a-half-year-old and a seven-month-old baby.

22 Q. Now, just so I get this right, all of the
23 convictions that you have for this drug trafficking,
24 it's always been heroin, has it not?

25 A. Heroin and coke.

1 Q. So all of those -- for all these three
2 sets of trafficking issues that you have, all of
3 those have occurred in the same community, have they
4 not?

5 A. Santa Fe, Espanola.

6 Q. All right.

7 A. Albuquerque.

8 Q. All right. So -- but you, I think at some
9 point in time yesterday, you indicated to
10 somebody -- they were showing you a document, and
11 they didn't want to show where you lived at, and you
12 said, well, you've had that same address for all
13 your life; right?

14 A. It's a P.O. box.

15 Q. It's a P.O. box. But it's a P.O. box in
16 northern New Mexico, isn't it?

17 A. Yes, sir.

18 Q. And it's a P.O. box in a very, very small
19 community in northern New Mexico, isn't it?

20 A. I'd rather not say.

21 Q. Well, you're here telling us that all of
22 this stuff about you want to keep -- you want to be
23 low-key, but that's not what you have done, is it?

24 A. Yeah.

25 Q. Okay. Well, you're familiar with social

1 media, are you not?

2 A. Yes, sir.

3 Q. And you know that in this day and age
4 everybody has an email account; is that correct?

5 A. They do?

6 Q. And everybody -- most young people have a
7 Snapchat account; right?

8 A. I do not.

9 Q. And what about an Instagram account?

10 A. No, sir.

11 Q. So you don't have those types of accounts,
12 but there are other -- smart phones available
13 nowadays that you can get instant media; isn't that
14 right?

15 A. Yes, sir.

16 Q. And social media? And so it's really
17 tough to sort of make yourself disappear; isn't that
18 true?

19 A. Yes.

20 Q. And it's even tougher whenever you use the
21 social media to post something out there; isn't that
22 correct?

23 A. I feel the best way to hide is just being
24 in plain sight.

25 Q. Well, but you know as well as I do that

1 everybody has smart phones nowadays, do they not?

2 A. I'm sure they do.

3 Q. I'm sure if you've got small children,
4 they're going to be asking you for a cellphone
5 quicker than you can imagine pretty soon, and
6 wanting to know if they can download social media on
7 there. You're familiar with that, are you not?

8 A. Yes, sir.

9 Q. Let me ask you -- you have a Facebook
10 account, don't you?

11 A. Yes, sir, I do.

12 Q. And that Facebook is public, isn't it?

13 A. It is.

14 Q. And you have on that Facebook account
15 where you work, do you not?

16 A. Yes.

17 Q. So you have on that Facebook account --

18 A. It's all false information. I don't put
19 my real stuff.

20 Q. Okay. Do you have your name on there?

21 A. Yes, I do have my name on there.

22 Q. Do you say that you went to Springer High
23 School?

24 A. The boys school, I did.

25 Q. So that's true; right?

1 A. Yes.

2 Q. It says that you live and you're from
3 Espanola, New Mexico; isn't that true?

4 A. Yes, sir, it is and.

5 Q. And that's true, is it not?

6 A. It is.

7 MS. ARMIJO: Objection.

8 THE COURT: What's the objection?

9 MS. ARMIJO: His current location.

10 THE COURT: Are you asking for that
11 information?

12 MR. BLACKBURN: I'm just asking him if
13 it's on his Facebook --

14 THE COURT: Let's not -- you can ask him
15 if the information on his Facebook is true, but
16 let's not get into specific locations.

17 BY MR. BLACKBURN:

18 Q. So on your Facebook account it says where
19 you live and that's true; isn't that true?

20 A. It is true.

21 Q. And it says that you work in a certain
22 place. Is the information on there -- is that true?

23 A. That's not true, where I'm working at.

24 Q. Did it used to be true?

25 A. It was true.

1 Q. Okay. So at some point in time, the place
2 that you had on there that was your place of
3 business was absolutely true; right?

4 A. It was before the discovery packets came
5 out and everybody labeled me as a rat.

6 Q. Well, you're still a rat, but you haven't
7 changed your Facebook account, have you? You have
8 two Facebook accounts; right?

9 A. Yes.

10 Q. And you haven't deleted any one of those,
11 and you haven't taken off all of this public
12 information from everybody, not only in Espanola,
13 not only in Albuquerque, for the whole United States
14 to find out where you're at; right?

15 A. I lost my email address. What could I
16 say? I don't know how to take it off without
17 knowing my email address.

18 Q. Like Facebook dot com, "Hi, guys, do you
19 want to take me off?" You have a phone; right?

20 A. Yes, sir, I do.

21 Q. Does it work?

22 A. I'm raising two kids by myself. I don't
23 have time to make that phone call.

24 Q. You're in so much fear for your life and
25 your family, but you don't have time to use your

1 phone to get taken off social media so nobody knows
2 where you're at; right? Hold on. Aren't you still
3 posting stuff on Facebook?

4 A. Yeah.

5 Q. So when was the last --

6 A. It's about my kids. It doesn't say
7 anything about where I'm at or what I'm doing or
8 anything like that.

9 Q. Well, this Facebook account that you have,
10 just on May 1st you posted photographs of your
11 children taking a bath; right?

12 A. Yeah.

13 Q. And it's something that you do on a daily
14 basis; do you not?

15 A. No. May 1st, that was how many days ago?
16 That's not a daily basis.

17 Q. That's five days.

18 A. Five days.

19 Q. Well, you do --

20 A. I've been in here so long, I lose track of
21 days.

22 Q. So do I. But it's not like you use it --
23 you use it, do you not?

24 A. Periodically.

25 Q. And you post pictures of the children on

1 there, do you not?

2 A. Mostly of my kids, yes.

3 Q. And post pictures of you and your buddies
4 riding around in your truck; right?

5 A. No, that's been a long time ago. That was
6 years ago. Four years ago. And they weren't my
7 buddies. They were my brothers, my siblings. And
8 that was before the discovery packet came out.

9 Q. When did the discovery packet come out?

10 A. It's been about a year with the Matthew
11 goat (sic) situation.

12 Q. How about the pictures that you posted in
13 your backyard with your lovely niece and your girls
14 on April 21 of this year?

15 A. Yeah.

16 Q. Okay? Do you want see that picture?

17 A. I know. I posted it.

18 Q. Then you posted one on the same date,
19 "Family first"; is that correct?

20 A. Yes, I did.

21 Q. Feeling loved with your children on April
22 9; right?

23 A. I'm very proud of my children, yes. I'm
24 proud of being a single dad raising them by myself.

25 Q. But you're putting all of this out there?

1 A. That might be a bad choice that I'm
2 making.

3 Q. Do you figure?

4 A. Well, I won't do it anymore.

5 Q. Well, going back to -- you're talking
6 about the discovery that was put on your -- those
7 people that you busted for doing drugs when you were
8 working for the FBI. You did that for about a year.
9 Is that what you said?

10 A. Yes, sir.

11 Q. And they paid you, like, \$15,000 to get
12 that done, did they?

13 A. Yes, and to relocate.

14 Q. Where did you relocate to from Juarez?

15 A. I'd rather keep that private, sir.

16 Q. Oh, I'm sorry. When did you get the money
17 to relocate?

18 A. It's been a while. About a year or two.

19 Q. And the conviction that you got -- well,
20 you're still seeing your probation officer, are you
21 not?

22 A. I've changed. Do I have to talk about
23 that?

24 Q. No.

25 THE COURT: I don't think the probation.

1 MR. BLACKBURN: No, I'm not going to ask
2 that.

3 BY MR. BLACKBURN:

4 Q. One of the things that they did, one of
5 the places that they wanted you to -- or they gave
6 you money to go hang out and bust people at was in
7 some pretty open places, was it not?

8 A. I believe so. Restaurants. Probably more
9 safer there.

10 Q. How safe were you when they gave you the
11 \$500 to go to the Red River Motorcycle Rally on May
12 25, 2015?

13 A. The whole situation, doing drug buys with
14 murderers, is pretty risky, I would think, sir.

15 Q. Risky enough that you would take to
16 Facebook posting; is that right?

17 Well, let me ask you this. You had some
18 conversations with Ms. Harbour-Valdez just now about
19 working for the FBI and doing these drug buys for
20 whatever period it was. Now, you've been out of
21 custody for, what, four or five years now?

22 A. Yes, sir.

23 Q. And when the FBI showed up at your parole
24 office, is that right, or your probation office,
25 that's when they first contacted you; right?

1 A. Yes, sir.

2 Q. Because they were wanting to know why you
3 were receiving letters from the penitentiary; right?

4 A. Yes, sir.

5 Q. Letters that related to an issue
6 concerning hits on the Secretary of Corrections,
7 Mr. Gregg Marcantel; right?

8 A. Yes, sir.

9 Q. And you started cooperating with them
10 shortly thereafter, did you not?

11 A. I did, sir.

12 Q. And at some point in time you had a
13 discussion with them about the fact that you could
14 be charged with all of the things that you did while
15 you were in custody; isn't that true?

16 A. Yes.

17 Q. And that's what Ms. Harbour-Valdez was
18 talking to you about, about the fact that they told
19 you that you could be charged in this particular
20 case and face a RICO Act; right?

21 A. Yes, sir.

22 Q. And not only did they tell you, but they
23 had you sign a document that acknowledged that you
24 could be charged with that, did they not?

25 A. I'm not sure.

1 Q. Did you sign an agreement with the FBI as
2 to what you could do and what you could not do?

3 A. I believe so.

4 Q. Did you sign a document --

5 A. I have a state education, sir. I have a
6 GED, you know. I'm state-raised. I'm not a lawyer.
7 I don't what documents are or what, you know.

8 Q. Hold on. Let me ask you something. Well,
9 did they not explain it to you?

10 A. They did, the best I can understand.

11 Q. What does it mean for you to say, "I will
12 work under the direction of the FBI"? That's really
13 complicated, isn't it?

14 A. Yeah.

15 Q. And you signed that; right?

16 A. Yes, sir.

17 Q. And your assistance is entirely voluntary?

18 A. Yes.

19 Q. And you put your little initials out to
20 the side, each one of these; right?

21 A. Yes, sir, I did.

22 Q. And Mr. Acee went over all of these with
23 you, did he not?

24 A. Yes.

25 Q. And he's pretty thorough?

1 A. Yes, he is.

2 Q. He explained every one of those to you so
3 you didn't have any questions; right?

4 A. Yes.

5 Q. And he had you sign each of them
6 afterwards; right?

7 A. Yes, sir.

8 Q. And he told you -- I mean, I'm sure,
9 knowing him, he asked you if you had any questions
10 about this that you could ask him; right?

11 A. I'm sure he did. And if I had any
12 questions, I'm sure I asked him.

13 Q. This is a real simple question, Mr.
14 Griego. Yes or no? Did he tell you that?

15 A. I'm sure he did.

16 Q. And did he also have you sign the part
17 that said that should you provide substantial
18 assistance, the FBI case agents will not seek RICO
19 charges against you?

20 A. Yes.

21 Q. So you knew -- I mean, so it wasn't like
22 it was a secret that there may be charges filed
23 against you; right? Not only did he tell you,
24 explain it to you, and the thoroughness that he did,
25 but he had you document that; right?

1 A. Yeah, but --

2 Q. Okay. So you tried to enlist in the RPP
3 Program on two separate occasions; isn't that right?

4 A. I did, sir.

5 Q. And neither time were you allowed to
6 complete those; right?

7 A. I did -- neither time I did not complete
8 them.

9 Q. And Ms. Harbour-Valdez talked to you about
10 the last time and showed you the document about you
11 being terminated from that program; right?

12 A. I didn't even know that.

13 Q. Well, did you get to complete the program?

14 A. I got out. I got out. Yeah, I did,
15 actually.

16 Q. You got your little certificate?

17 A. No, I didn't complete the program, but I
18 went from the North facility to Las Cruces, and I
19 stayed in that program. I didn't complete it, but I
20 stayed in it. That's why, when she said that, I
21 was, like, it came out of left field. I didn't
22 realize that I had supposedly been kicked out of it.

23 Q. You got moved, did you not?

24 A. Yes, I did.

25 Q. But I guess the institution decided that

1 it wasn't important to tell you why that they were
2 moving you and why, under their impression, that
3 they were kicking you out of the program; right?

4 A. They did not tell me they were kicking me
5 out of the program. I did get --

6 Q. You got a document --

7 A. I got moved. People get moved all the
8 time.

9 Q. You just read the document that she showed
10 you?

11 A. I'm telling you they did not tell me, "You
12 are kicked out of the program" or anything.

13 Q. They didn't tell you that?

14 A. No, sir, they didn't.

15 Q. They didn't write anything they're
16 supposed to write down?

17 A. No, sir, they did.

18 Q. You're just a misinformed person out there
19 in life; right?

20 A. I guess I am. Either that, or not paying
21 too much attention.

22 Q. You discussed with us yesterday the
23 letters that you received from Arturo Garcia; isn't
24 that correct?

25 A. I did, sir.

1 Q. And that was one of the letters that Ms.
2 Armijo went over with you, right, before you came to
3 testify; right?

4 A. Yes, right.

5 Q. And I think your testimony yesterday was
6 that Arturo Garcia, when he would send you a letter,
7 that he did not use any real codes in those letters,
8 did he? In fact, you were upset that when he would
9 send you a letter, he would say stuff that you
10 thought maybe would get you in trouble; right?

11 A. Yes, sir.

12 Q. So he wasn't going around putting words in
13 there that you had never heard of or using some type
14 of secret 007 words; right?

15 A. No.

16 Q. And it's true at the time, you know, that
17 all of the letters that you write, that the prison
18 officials can look at those letters on a daily
19 basis; right?

20 A. Yes, sir.

21 Q. They look at everything that comes in and
22 goes out of that prison, do they not?

23 A. Yes, they do.

24 Q. And in particular, if they think you're a
25 gang member, the STIU looks at everything; right?

1 A. Yes, sir, they do.

2 Q. When you have visitors come in to talk to
3 you or meet with you, if you have books or documents
4 or things like that, they look at those just to make
5 sure that nothing is going on; right?

6 A. I'm sure they do.

7 Q. You've seen -- you know that these letters
8 exist. I mean, what happened to the letter that
9 Arturo wrote to you that we looked at yesterday?
10 That was delivered to you, was it not? You got that
11 letter; right?

12 A. I did.

13 Q. Okay. So you got the letter. I'm
14 assuming that you put it in your file or you did
15 something with it. But obviously, we have that
16 letter. You didn't give that letter back to the
17 STIU, did you?

18 A. No, sir.

19 Q. Did you go and say, "Hey, Arturo is
20 writing me a letter. I think you guys need to put
21 this in my file so you guys will have this for the
22 rest of my life"; right?

23 A. No.

24 Q. They keep copies of them; right?

25 A. I'm sure they do, sir.

1 Q. Well, you saw that one yesterday; right?

2 A. Yes, sir.

3 Q. So this is something that all of the
4 inmates know; right? Every inmate knows that the
5 facility is looking at all of your documents and
6 letters and anything that goes out of there; right?

7 A. Correct.

8 Q. The inmates know that every phone call
9 that you make out of there is going to be recorded,
10 do they not?

11 A. Right.

12 Q. Because there is a recording that comes on
13 and says, "This phone call is being recorded";
14 right?

15 A. Yes.

16 Q. And you know you're being watched on a
17 daily basis; right?

18 A. Yes.

19 Q. They tell you where to go, when to go, how
20 to go. There is somebody always watching you and
21 taking note the whole time; right? The people up in
22 the bubble; right?

23 A. Oh, yes.

24 Q. And you know that there's cameras all over
25 the place; right?

1 A. Yes.

2 Q. So this isn't a secret; right?

3 A. No.

4 Q. So the letters that he wrote to you, it
5 wasn't like you didn't know -- or he didn't know
6 that these were going to be read all the time;
7 right?

8 A. Correct.

9 Q. Can you put up that --

10 A. You can't help who writes you. If he
11 wants to write me, he writes me on his own free
12 will.

13 Q. We're going to show you 984, the letter
14 that we discussed yesterday. Okay? All right. So
15 IPM, inter-prison mail. Is that what that states on
16 that document?

17 A. Yes, sir.

18 Q. And the date is July 5 of '09; right? Can
19 you see it over here on the side?

20 A. Yes, sir.

21 Q. And is that your inmate number?

22 A. Yes, sir, it is.

23 Q. So let's go to the letter. Let me look at
24 the second paragraph, if you don't mind. "How you
25 doing? I'm sure you ain't got a care in the world.

1 Going home; right?"

2 Is that what it says?

3 A. Yes.

4 Q. Then what does it say afterwards?

5 A. "Going home really soon and later days to
6 this shitty dump. Take me with you, buddy. I got
7 to get out of this bitch already. Can't catch a
8 break, even when I'm doing good and keeping everyone
9 in check on a positive level. I get fucked because
10 someone's panties get wet or someone hears half a
11 conversation and makes up the other half. I'm
12 really sick of paying for everyone's shit, homie.
13 Serio, Sammy."

14 Q. So there was no code in there, was there?

15 A. No, sir.

16 Q. All right. So he's talking about you're
17 getting ready to leave, you know you're getting
18 ready to go out of there soon, right, and he's
19 telling you, "Hey, take me with you," and sort of,
20 like, "I'm sick of what's going on around here,"
21 because basically what I assume is, the
22 conversations that's going on the rumor mills about
23 something -- somebody tells you one thing and
24 somebody tells you another thing. All that stuff
25 goes on in the penitentiary; right?

1 A. Yes.

2 Q. All right. Let's go to the second
3 paragraph. What is that?

4 A. "I shot my yela a huila, having him get at
5 you through me, I'll just tell you myself, listen,
6 little bro, I need you to help me out with some
7 money. I know you can, because you told me at the
8 yard that day, but I told you to hold off. Listen,
9 Sammy, it don't matter all the silly shit these
10 idiots made up. I need you to" --

11 Q. "Look out big time"?

12 A. "I need you to look out big time. All my
13 property got lost. All my electronics, radio,
14 earphones, tapes, everything. I know you got this."
15 Oh, no. "I know you got hos that will do as you
16 say, so spit it and drop it like it's hot."

17 Q. Let's go to -- there's nothing, you know,
18 asking you for money; right?

19 A. Yeah, to help him out.

20 Q. All right. So let's go to the next page,
21 sort of right in the middle, if you don't mind.
22 Now, you're getting ready to leave; right? Is that
23 what's going on? You had just had a situation, a
24 family situation, that you had gone to a funeral on,
25 had you not?

1 A. Yes.

2 Q. All right. And let's go to this part
3 right in the middle. He says -- see where it says,
4 "I mean, anyone," then you go down and it says, next
5 sentence, "You got to get out and stay out and take
6 care of your baby sisters"; right?

7 A. Yes.

8 Q. He was talking about knowing that you were
9 going to go back to help your family; isn't that
10 right?

11 A. Right.

12 Q. All right. So no codes there; right? I
13 think later on, at the bottom, he asked you, "I need
14 my money as soon as possible." So he's asking you
15 for money; right? And telling you, "Good luck when
16 you get out"; isn't that true?

17 A. Yes.

18 Q. No codes there; right?

19 A. That he has my back, and that he's also
20 saying that who cares what everybody says about me;
21 if they talk shit about me, he has my back. Because
22 according to this letter I was on the leva.

23 Q. What does that mean?

24 A. On the outs.

25 Q. So he's trying to help you; right?

1 A. He's just saying he had my back.

2 Q. So you basically testified that you had
3 two conversations with him, brief conversations,
4 when you were at the North facility. Is that what
5 you're saying?

6 A. I had a lot of conversations with him.

7 Q. Well, the two conversations that we talked
8 about yesterday, or you were asked about, was
9 conversations that you had with him, and I think one
10 was basically about -- was sometime in 2007, wasn't
11 that right, when you met in the yard. Do you
12 remember that?

13 A. I don't remember, like, times and dates
14 and stuff, but I remember the conversations we've
15 had.

16 Q. Well, you testified yesterday that
17 about -- that there was a situation with Fred
18 Sanchez that everybody knew that there was a hit out
19 on him; right?

20 A. Yes.

21 Q. So that wasn't unknown; right?

22 A. No.

23 Q. And you knew that that hit came from Styx,
24 did you not?

25 A. Yes.

1 Q. And there was a question that -- there was
2 a conversation that you were having with him about
3 what was going on with Fred Dawg or what was going
4 on with Freddie Sanchez, and --

5 A. Yeah, the conversation was that Arturo was
6 left in charge and Arturo was frustrated because he
7 had already sent a palabra to Cruces to have this
8 shit handled, and it wasn't getting done.

9 Q. Okay. And this was because they had been
10 down there -- Fred Sanchez been down there for quite
11 some time?

12 A. I would say a couple of months.

13 Q. Two or three months. I think you said he
14 had been down there a long time, and nothing was
15 going on; right? Now, did you know at the time that
16 Billy Cordova had tried to do a hit on Freddie
17 Sanchez?

18 A. No.

19 Q. You didn't know that? No?

20 A. No.

21 Q. You know who Billy Cordova is, do you not?

22 A. Yes, sir, I do.

23 Q. And you've had discussions with Mr.
24 Cordova about things going on in prison, have you
25 not?

1 A. Yes, sir.

2 Q. And you know it's against the rules to
3 brag about something you did not do, do you not?

4 A. Yes.

5 Q. And you know that Billy Cordova bragged to
6 you about a murder, did he not?

7 A. They've all bragged about murders.

8 Q. Didn't Billy Cordova tell you that he was
9 the --

10 MS. ARMIJO: Objection, hearsay.

11 THE COURT: If you are bringing it for the
12 truth, sustained.

13 BY MR. BLACKBURN:

14 Q. Is Billy Cordova an SNM member?

15 A. Yes, sir.

16 Q. And were you with him for a number of --
17 for quite a bit of time; right?

18 A. Yes, off and on, like everybody else.

19 Q. And yesterday there were some questions
20 that were asked of you about when was the last -- if
21 your convictions were only convictions for drugs.
22 Do you remember that?

23 A. Yes.

24 Q. And you forgot to leave out this last
25 conviction; right?

1 A. I did -- I did -- you know, yes, sir, I
2 did. I didn't do it on purpose.

3 Q. And this is the conviction that we've been
4 talking about?

5 A. The domestic violence conviction.

6 Q. The domestic violence?

7 A. It was actually false imprisonment.

8 Q. It was actually intimidation of a witness,
9 wasn't it?

10 A. Well, I --

11 Q. Is that what you were initially charged
12 with, was intimidation of a witness; right?

13 A. No.

14 Q. No?

15 A. I was initially charged with bribery of a
16 witness and domestic violence.

17 Q. And the bribery was with your --

18 A. I don't know why, but it was with my wife.

19 Q. And you got arrested on the charge and --

20 A. Not me.

21 Q. Hold on.

22 A. Then I got -- it was a PV also.

23 Q. Mr. Griego --

24 MR. BLACKBURN: Your Honor, I would ask
25 that you strike that as not responsive.

1 THE COURT: I'll strike that answer as
2 nonresponsive. The jury will not consider it.

3 And Mr. Griego, listen to Mr. Blackburn's
4 question.

5 THE WITNESS: Sorry, sir.

6 THE COURT: Wait till he's done, then
7 answer his question and his question only.

8 THE WITNESS: Yes, Your Honor.

9 BY MR. BLACKBURN:

10 Q. Mr. Griego, is it your testimony that when
11 you were asked those questions yesterday about if
12 your only convictions are drug convictions, that you
13 forgot about this thing here in 2016?

14 A. It's been so many years that all I've ever
15 had was trafficking, and then recently, I just got a
16 PV with the domestic violence, and I took a plea out
17 of it and I got false imprisonment.

18 Q. Hold on. So you're saying you forgot
19 that?

20 A. I know, that's --

21 Q. You forgot the fact that they came out to
22 your house and they arrested you?

23 A. I didn't forget it. But I just forgot to
24 include it.

25 Q. And they took you to jail and they put you

1 in jail in Santa Fe?

2 A. Yes, sir, they did.

3 Q. And you had to post a huge bond to get
4 out, did you not?

5 A. No, I didn't.

6 Q. And you had to be on an ankle bracelet
7 during the whole portion of that proceedings, did
8 you not?

9 A. I believe -- no.

10 Q. The judge would not let you out of jail,
11 Mr. Griego?

12 A. I was on a PV, sir. I did get out of
13 jail.

14 Q. Did you not have to wear an ankle bracelet
15 until you took your plea?

16 A. No.

17 Q. You did not?

18 A. No, that was part -- I believe they just
19 had me on community corrections.

20 MR. BLACKBURN: I have nothing further,
21 Your Honor.

22 THE COURT: Thank you, Mr. Blackburn.

23 Any other defendant have cross-examination
24 of Mr. Griego?

25 All right, Ms. Armijo, if you have

1 redirect of Mr. Griego.

2 MS. ARMIJO: Are these somebody's notes?

3 REDIRECT EXAMINATION

4 BY MS. ARMIJO:

5 Q. Mr. Griego, now, have you ever heard of
6 the term "torpedo"?

7 A. Yes.

8 Q. What's a torpedo?

9 A. Like a suicide mission.

10 Q. Okay. And is it for someone who is not in
11 good standing with the SNM to be sent to do a job?

12 A. Yes, ma'am.

13 Q. All right. Now, if you were on the out --
14 if people hypothetically knew you were not in good
15 standing with the SNM in 2015, would they still use
16 you as a torpedo to do something like kill Gregg
17 Marcantel?

18 A. Yes, ma'am.

19 Q. And do you even know if people knew
20 whether or not you were in good standing or not?

21 A. I didn't. I don't.

22 Q. You were asked a lot about all the
23 contacts that you had with the FBI throughout the
24 last couple of years. Were many of those contacts
25 in reference to undercover drug activity that you

1 were doing for the FBI?

2 A. Yes, ma'am, it was.

3 Q. Did you ever have an official debrief and
4 sit down with an attorney that represented you to
5 talk to them about everything that you knew about
6 the FBI?

7 A. No, ma'am.

8 Q. And do you have an attorney today?

9 A. No, ma'am.

10 Q. Now, you talked about a couple of people
11 that you bought drugs from during cross-examination.
12 Did you also buy drugs from Chris Garcia?

13 A. Yes, ma'am.

14 Q. And in reference to the activity that you
15 did with the FBI, did you buy drugs from other
16 people or were you selling drugs?

17 A. I was buying drugs.

18 Q. Now, the telephone that they gave you to
19 conduct these operations -- were you aware that they
20 were being recorded?

21 A. Yes, ma'am.

22 Q. And when you went to go buy the drugs, did
23 you also have some sort of a recording device, apart
24 from the telephone, that you used to contact the
25 people so that everything was being monitored?

1 A. Yes, ma'am.

2 Q. I'm going to show you -- if I could please
3 display two items on one screen, I should say.

4 Exhibit Number 825 and Exhibit 642.

5 All right, Mr. Griego. Do you see here on
6 the left on 825 -- that's your name; is that
7 correct?

8 A. Yes, ma'am.

9 Q. And on the right-hand side of Exhibit 642
10 is Federico Munoz?

11 A. Yes.

12 Q. And I am going to -- actually, we're going
13 to have to go, on 642, to page 2 of that document.

14 All right. Do you see here -- I'm going
15 to kind of mark here 2007 for Federico Munoz, that
16 he was sent to PNM? And do you know what the
17 different units are? N-3? What is that? Can you
18 explain it to us?

19 A. That's North 1-B E pod, cell 105 south.

20 Q. All right. And I'm going to go to Exhibit
21 Number 825. And here for 2007, were you sent to PNM
22 and were you at the North unit, as well?

23 A. Yes, ma'am.

24 Q. And do those times coincide?

25 A. They do.

1 Q. So were you housed with Frederico Munoz in
2 2007 at the same unit?

3 A. Yes, ma'am.

4 Q. All right. I'm also going to ask to leave
5 up 825, but if we could please have 83.

6 All right. And 83 is Billy Garcia. Do
7 you see that there?

8 A. Yes, ma'am.

9 Q. I'm going to go to the middle of this
10 page. Sorry. It sure is kind of small writing, so
11 I have to look. I'm going to start with yours. On
12 Exhibit 825 do you see here, kind of putting a
13 little red mark next to where you were 4/28 of 2009
14 to 8/1 of 2009. What is S A-1, do you know?

15 A. South 1A-B pod.

16 Q. Then I'm going to go to Exhibit Number 83,
17 which is Mr. Garcia's. Do you see that? What pod
18 is he in during that time period?

19 A. South 1A-B pod.

20 Q. And is that when you were housed together?

21 A. Yes, ma'am.

22 Q. And that was 2009?

23 A. Yes, ma'am.

24 Q. All right. Thank you. Now, you were also
25 asked yesterday about an assault on Tom Sanders. Do

1 you recall that?

2 A. Yes, ma'am.

3 Q. Can you tell the jury about that assault
4 and why you did that?

5 A. The reason I was laughing is because he
6 actually got the better of us, and kind of took it
7 to our asses instead of the other way around,
8 because this guy is huge. He's 6 foot four, 280
9 pounds. He's a beast.

10 Q. Did you try to assault him with another
11 inmate?

12 A. Yes, ma'am, I did.

13 Q. Who was that inmate?

14 A. Vincent Garduno.

15 Q. Is he an SNM member?

16 A. Yes, ma'am, he is.

17 Q. Why did the two of you assault -- or I
18 should say, try to assault Tom Sanders?

19 A. Just because we were told to, just to earn
20 our bones and just to put in work.

21 Q. And why -- who was it that ordered it?

22 A. Ern Dog.

23 Q. And who is Ern Dog?

24 A. Ernesto Guerrero.

25 Q. And do you know why you were hitting

1 Mr. Sanders?

2 A. Because Tom was on the tier with -- I
3 believe it was Criminal, but they told him to hit --
4 they told Tom to hit Criminal because there was
5 paperwork on him.

6 MR. CASTLE: Objection, hearsay, Your
7 Honor.

8 THE COURT: I think you are eliciting
9 hearsay at this point. Sustained.

10 BY MS. ARMIJO:

11 Q. All right. Let me just ask this in
12 general. Did you understand that there was a reason
13 that Tom Sanders had to be hit that related to SNM
14 business?

15 A. Tom was supposed to hit --

16 Q. I'm just asking you -- I don't want to
17 elicit hearsay. I'm just asking, was it your
18 understanding --

19 A. Yes.

20 Q. -- that there was SNM -- an SNM reason why
21 Tom should be hit?

22 A. Yes.

23 Q. And was that -- were you acting on orders
24 of someone to hit him?

25 A. Yes.

1 Q. And you said that that was kind of a
2 failed mission?

3 A. Yes, it was.

4 MS. ARMIJO: All right. May I have a
5 moment, Your Honor?

6 THE COURT: You may.

7 MS. ARMIJO: Pass the witness.

8 THE COURT: Thank you, Ms. Armijo.

9 Do you have something further, Mr. Castle?

10 MR. CASTLE: Yes, just a couple things.

11 RECROSS-EXAMINATION

12 BY MR. CASTLE:

13 Q. First of all, Mr. Griego, I think the
14 Government just showed you a period of time between
15 April 1st, 2009, and July 28, 2009, where you and
16 Mr. Garcia were housed in the same unit; is that
17 right?

18 A. That's when I was telling you yesterday.

19 Q. But that's not Christmastime of 2009, is
20 it?

21 A. Well, like I said, sir --

22 Q. I'm just asking you: Is that Christmas?
23 Christmas doesn't fall between those dates at all?

24 A. No, sir, it doesn't.

25 Q. And the summer in New Mexico is a little

1 different than the dead of winter in New Mexico;
2 correct?

3 A. Correct.

4 Q. Now, in regard to the Facebook post, you
5 do --

6 MS. ARMIJO: Objection, beyond the scope
7 of redirect.

8 MR. CASTLE: Well, one of the counsel
9 brought it up. I just want to do one entry that he
10 has, Your Honor.

11 THE COURT: All right. Let's see how
12 quickly you can get in and out on it.

13 BY MR. CASTLE:

14 Q. On March 3 you actually posted a picture
15 of you and your car and the title was -- you were
16 showing your muscle, and the title of it you put on
17 there with your words was, "Gangstas need love,
18 too"; right?

19 A. Okay. I'm sure, I don't know.

20 MR. CASTLE: No other questions.

21 THE COURT: Thank you, Mr. Castle.

22 Ms. Armijo, do you have any further
23 redirect?

24 MS. ARMIJO: No, Your Honor. Thank you.

25 THE COURT: All right. Mr. Griego, you

1 may step down.

2 Is there any reason that Mr. Griego cannot
3 be excused? Ms. Armijo?

4 MS. ARMIJO: No, Your Honor.

5 THE COURT: How about from any of the
6 defendants? Any objection to him being excused?

7 Not seeing or hearing any, you are excused
8 from the proceedings. Thank you for your testimony.

9 THE WITNESS: Thank you, sir.

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2 STATE OF NEW MEXICO

3

4 C-E-R-T-I-F-I-C-A-T-E

5 I, Jennifer Bean, FAPR, RDR, CRR, RMR, CCR,
6 Official Court Reporter for the State of New Mexico,
7 do hereby certify that the foregoing pages
8 constitute a true transcript of proceedings had
9 before the said Court, held in the District of New
10 Mexico, in the matter therein stated.

11 In testimony whereof, I have hereunto set my
12 hand on this 23rd day of May, 2018.

13

14

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